

# TIBET

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## TIBET

### *Findings*

- As a result of the Chinese government crackdown on Tibetan communities, monasteries, nunneries, schools, and workplaces following the wave of Tibetan protests that began on March 10, 2008, Chinese government repression of Tibetans' freedoms of speech, religion, and association has increased to what may be the highest level since approximately 1983, when Tibetans were able to set about reviving Tibetan Buddhist monasteries and nunneries.
- The status of the China-Dalai Lama dialogue deteriorated after the March 2008 protests and may require remedial measures before the dialogue can resume focus on its principal objective—resolving the Tibet issue. China's leadership blamed the Dalai Lama and “the Dalai Clique” for the Tibetan protests and rioting, and did not acknowledge the role of rising Tibetan frustration with Chinese policies that deprive Tibetans of rights and freedoms nominally protected under China's Constitution and legal system. The Party hardened policy toward the Dalai Lama, increased attacks on the Dalai Lama's legitimacy as a religious leader, and asserted that he is a criminal bent on splitting China.
- State repression of Tibetan Buddhism has reached its highest level since the Commission began to report on religious freedom for Tibetan Buddhists in 2002. Chinese government and Party policy toward Tibetan Buddhists' practice of their religion played a central role in stoking frustration that resulted in the cascade of Tibetan protests that began on March 10, 2008. Reports have identified hundreds of Tibetan Buddhist monks and nuns whom security officials detained for participating in the protests, as well as members of Tibetan secular society who supported them.
- Chinese government interference with the norms of Tibetan Buddhism and unrelenting antagonism toward the Dalai Lama, one of the religion's foremost teachers, serves to deepen division and distrust between Tibetan Buddhists and the government and Communist Party. The government seeks to use legal measures to remold Tibetan Buddhism to suit the state. Authorities in one Tibetan autonomous prefecture have announced unprecedented measures that seek to punish monks, nuns, religious teachers, and monastic officials accused of involvement in political protests in the prefecture.
- The Chinese government undermines the prospects for stability in the Tibetan autonomous areas of China by implementing economic development and educational policy in a manner that results in disadvantages for Tibetans. Weak im-

plementation of the Regional Ethnic Autonomy Law has been a principal factor exacerbating Tibetan frustration by preventing Tibetans from using lawful means to protect their culture, language, and religion.

- At no time since Tibetans resumed political activism in 1987 has the magnitude and severity of consequences to Tibetans (named and unnamed) who protested against the Chinese government been as great as it is now upon the release of the Commission's 2008 Annual Report. Unless Chinese authorities have released without charge a very high proportion of the Tibetans reportedly detained as a result of peaceful activity or expression on or after March 10, 2008, the resulting surge in the number of Tibetan political prisoners may prove to be the largest increase in such prisoners that has occurred under China's current Constitution and Criminal Law.

#### *Recommendations*

Members of the U.S. Congress and Administration officials are encouraged to:

- Convey to the Chinese government the heightened importance and urgency of moving beyond the setback in dialogue with the Dalai Lama or his representatives following the March 2008 protests. A Chinese government decision to engage the Dalai Lama in substantive dialogue can result in a durable and mutually beneficial outcome for Chinese and Tibetans, and improve the outlook for local and regional security in the coming decades.
- Convey to the Chinese government, in light of the tragic consequences of the Tibetan protests and the continuing tension in Tibetan Buddhist institutions across the Tibetan plateau, the urgent importance of: reducing the level of state antagonism toward the Dalai Lama; ceasing aggressive campaigns of "patriotic education" that can result in further stress to local stability; respecting Tibetan Buddhists' right to freedom of religion, including to identify and educate religious teachers in a manner consistent with their preferences and traditions; and using state powers such as passing laws and issuing regulations to protect the religious freedom of Tibetans instead of remolding Tibetan Buddhism to suit the state.
- Continue to urge the Chinese government to allow international observers to visit Gedun Choekyi Nyima, the Panchen Lama whom the Dalai Lama recognized, and his parents.
- In light of the heightened pressure on Tibetans and their communities following the March protests, increase funding for U.S. non-governmental organizations to develop programs that can assist Tibetans to increase their capacity to peacefully protect and develop their culture, language, and heritage; that can help to improve education, economic, and health conditions of ethnic Tibetans living in Tibetan areas of China; and that create sustainable benefits without encouraging an influx of non-Tibetans into these areas.
- Convey to the Chinese government the importance of distinguishing between peaceful Tibetan protesters and rioters, hon-

oring the Chinese Constitution's reference to the freedoms of speech and association, and not treating peaceful protest as a crime. Request that the Chinese government provide details about Tibetans detained or charged with protest-related crimes, including: each person's name; the charges (if any) against each person; the name and location of the prosecuting office ("procuratorate") and court handling each case; the availability of legal counsel to each defendant; and the name of each facility where such persons are detained or imprisoned. Request that Chinese authorities allow access by diplomats and other international observers to the trials of such persons.

- Continue to raise in meetings and correspondence with Chinese officials the cases of Tibetans who are imprisoned as punishment for the peaceful exercise of human rights. Representative examples include: former Tibetan monk Jigme Gyatso (now serving an extended 18-year sentence for printing leaflets, distributing posters, and later shouting pro-Dalai Lama slogans in prison); monk Choeying Khedrub (sentenced to life imprisonment for printing leaflets); reincarnated lama Bangri Chogtrul (serving a sentence of 18 years commuted from life imprisonment for "inciting分裂ism"); and nomad Ronggyal Adrag (sentenced to 8 years' imprisonment for shouting political slogans at a public festival).
- The United States should continue to seek a consulate in Lhasa in order to provide services to Americans in Western China. With the closest consulate in Chengdu, a 1,500 mile bus ride from the Tibetan capital of Lhasa, American travelers are largely without assistance in Western China. This was recently underscored during unrest in Lhasa when U.S. citizens could not get out and American diplomats could not enter the Tibetan Autonomous Region.

#### INTRODUCTION: TIBETAN PROTESTS ON AN UNPRECEDENTED SCALE

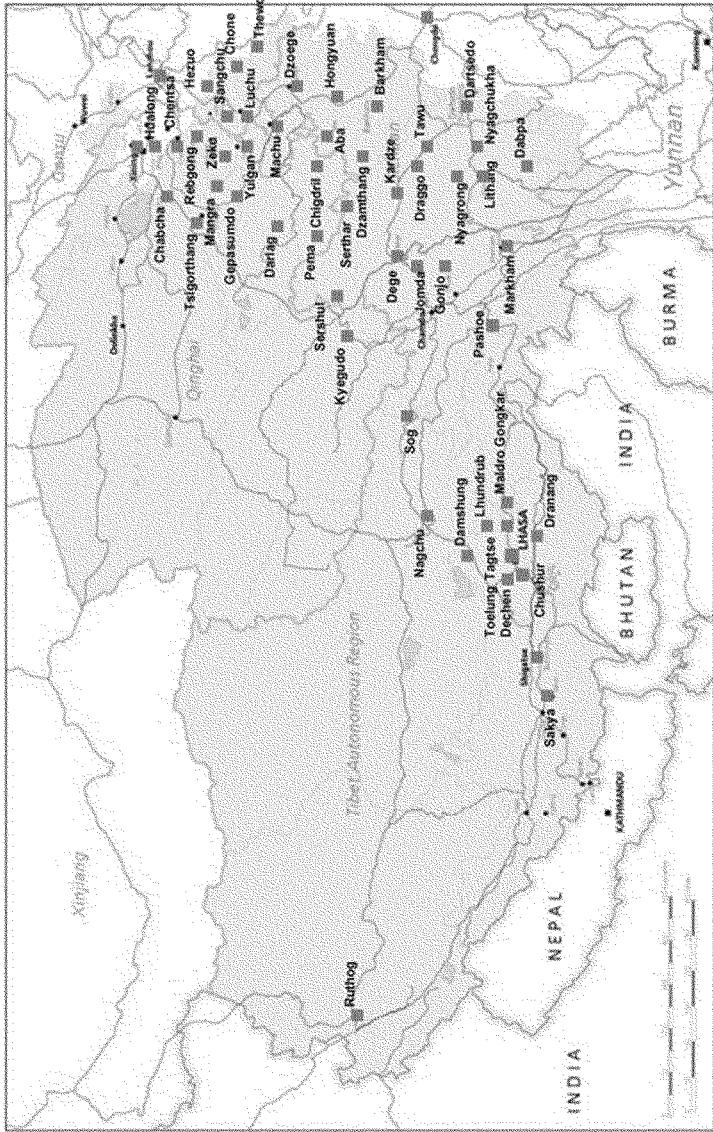
The Tibet section of the 2008 Annual Report focuses on the unprecedented cascade of Tibetan protests that began in Lhasa on March 10, 2008,<sup>1</sup> and by the end of March had swept across much of the ethnic Tibetan areas of China.<sup>2</sup> No peacetime Chinese government<sup>3</sup> has been confronted by expressions of Tibetan discontent as widely dispersed and sustained since the Chinese Communist Party established the People's Republic of China in 1949. Two key factors distinguish the current protests from the March 10, 1959, Lhasa uprising that followed the Dalai Lama's escape from Tibet, and the March 5–7, 1989, protests and rioting that led to the imposition of martial law in Lhasa. First, the 2008 protests spread far beyond Lhasa and the Tibet Autonomous Region (TAR). Second, protests continued to occur even after Chinese security forces established and maintained lockdowns.

As a result of the Chinese government crackdown beginning in March 2008 on Tibetan communities, monasteries, nunneries, schools, and workplaces, the repression of the freedoms of speech, religion, and association has increased to what may be the highest level since approximately 1983, when Tibetans were able to set about reviving Tibetan Buddhist monasteries and nunneries.<sup>4</sup> The Commission has reported since releasing its first Annual Report in

2002 on underlying human rights issues that played important roles in the 2008 Tibetan protests.<sup>5</sup> The Commission's 2007 Annual Report observed that then-declining numbers of political detentions of monks and nuns showed that state repression of Tibetan Buddhism may have resulted in a more subdued monastic community—and that such a decline concurrent with a high level of monastic resentment against Chinese policies suggested that the potential for resurgent political protest exists.

Tibetan protesters resorted to rioting in a total of 12 county-level areas, according to official Chinese media reports,<sup>6</sup> but Tibetan protests (generally peaceful) took place in more than 40 additional county-level areas.<sup>7</sup> China's state-run media generally reported only the protests during which some Tibetans turned to violence, and characterized all of the participants linked to such events as "rioters." Rioting took place in Lhasa city on March 14,<sup>8</sup> in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province, on March 16,<sup>9</sup> and in six counties in Gannan (Kanlho) Tibetan Autonomous Prefecture, Gansu province, from March 14–19.<sup>10</sup> International media and non-governmental organization reports noted that Tibetans attacked ethnic Han and Hui individuals and businesses.<sup>11</sup> The Lhasa rioting resulted in substantial property damage and at least 19 deaths, according to official reports; the actual death toll could be much higher (see Consequences of the Protests: Death, Detention, Patriotic Education, Isolation in this section).<sup>12</sup> [See figure titled Map of Tibetan Protest Sites, County-level Areas below and Addendum: List of Tibetan Protest Sites, County-level Areas at the end of this section.]

Map of Tibetan Protests Sites (County-level Areas)



Markers indicate county-level areas and cities where peaceful Tibetan protests (and in some cases, riots) reportedly took place from March 10, 2008, through the end of April. Multiple protests took place in several counties.

Peaceful Tibetan protesters called for Tibetan independence, the Dalai Lama's return to Tibet,<sup>13</sup> the release of the Panchen Lama,<sup>14</sup> and freedom of religion generally.<sup>15</sup> Many, but not all, of the protests began at Tibetan Buddhist monasteries and nunneries,<sup>16</sup> the institutions impacted most negatively by Chinese government regulation of Tibetan Buddhism and Party policy toward the Dalai Lama, whom most Tibetan Buddhists regard as their spiritual leader.<sup>17</sup> Monastic protests gained support from members of Tibetan secular society.<sup>18</sup> The large scale of Tibetan participation in the protests—at substantial peril to the protesters—reflects the ur-

gency of the underlying issues and the imperative for Chinese authorities and Tibetans to work together to resolve them.

#### TIBETAN FRUSTRATION: FACTORS UNDERLYING THE PROTESTS

China's leadership blamed the Dalai Lama and "the Dalai Clique" for the Tibetan protests and rioting in the run-up to the 2008 Beijing Summer Olympic Games,<sup>19</sup> and did not acknowledge the role of rising Tibetan frustration with Chinese policies toward Tibetans. A senior TAR Party official used language that attributed directly to the Dalai Lama violent activity during rioting such as "beating, smashing, looting, and burning."<sup>20</sup>

Chinese government policies that deprive Tibetans of rights and freedoms nominally protected under China's Constitution and legal system have been the root cause of the protests and riots. Party control over China's legislative, governmental, and policymaking process, as well as contradictory provisions in Chinese laws and regulations, support the government's unrestricted ability to implement unpopular programs among Tibetans. Heightened state interference with Tibetan Buddhist norms since 2005 has left the religion especially hard-hit.<sup>21</sup> [See Heightened Repression of Tibetan Buddhism in this section.] The unproductive dialogue between Chinese officials and the Dalai Lama's representatives, along with the lurid invective of the Party's anti-Dalai campaign, frustrate Tibetan hopes for improved relations with the Chinese government, and strike at Tibetan sensibilities.

#### *Policy Toward the Dalai Lama*

The Party hardened policy toward the Dalai Lama in the wake of the Tibetan protests, increasing attacks on the Dalai Lama's legitimacy as a religious leader, and asserting that he is a criminal bent on splitting China.<sup>22</sup> "Even the Lord Buddha will definitely not tolerate this honey-mouthing and dagger-hearted Dalai Lama, the scum of Buddhism, an insane ruffian and a beast in a human shape!" said the Party-run Tibet Daily.<sup>23</sup> Tibet Autonomous Region Party Secretary Zhang Qingli likened the Dalai Lama to "a jackal and wolf cloaked in a [monk's] robe" and called for a "people's war" against threats to stability and unity that he blamed on "the Dalai Clique."<sup>24</sup> Officials launched aggressive reimplementations of political indoctrination campaigns<sup>25</sup> across the Tibetan autonomous areas of China, and sought to compel Tibetans to denounce the Dalai Lama<sup>26</sup> and sometimes to state that he was responsible for the protest and riot activity.<sup>27</sup>

Chinese government officials have intensified their campaign to discredit the Dalai Lama by holding him directly responsible for Tibetan violence committed during rioting, and seeking to tie him to allegations of Tibetan "terrorist" objectives and activity. A Ministry of Public Security (MPS) spokesman claimed on April 1,<sup>28</sup> but provided no credible evidence to prove, that the Dalai Lama is responsible for the objectives and activities of two Tibetan NGOs based in India—the Tibetan Youth Congress (TYC) and the Tibetan People's Uprising Movement (TPUM). TPUM<sup>29</sup> and the TYC,<sup>30</sup> according to their Web sites, seek Tibetan independence, thereby rejecting the Dalai Lama's autonomy-based Middle Way Approach.<sup>31</sup>

TPUM's "Declaration" states, "The Tibetan People's Uprising Movement is a global movement of Tibetans inside and outside of Tibet taking control of our political destiny by engaging in direct action to end China's illegal and brutal occupation of our country. Through unified and strategic campaigns we will seize the Olympic spotlight and shine it on China's shameful repression inside Tibet, thereby denying China the international acceptance and approval it so fervently desires."<sup>32</sup>

The MPS claimed, but did not substantiate, that the TYC and other unnamed groups provided two classes on how to carry out terrorist activities.<sup>33</sup> According to China's state-run media, after monks in the eastern TAR allegedly carried out a series of small bombings in April, the alleged bombers confessed that—by listening to radio broadcasts—they "were following separatist propaganda from the Dalai Lama."<sup>34</sup> A Chinese security official told a Western media organization in October that on September 23, 2008, the Changdu (Chamdo) Intermediate People's Court sentenced several of the monks to terms of imprisonment for "terrorist actions."<sup>35</sup> According to an international media agency report, in December 2005 then-TYC President Kalsang Phuntsok said: "[We] have a youth section which is not so much influenced by the Buddhist philosophy. They are very much attracted by the movements which are going on all over the world, mostly violence-infested movements, and people see they are achieving results. They look around everywhere, whether it's Israel or Palestine or the Middle East—these give them every reason to believe in every [violent] movement that is being waged on this Earth."<sup>36</sup> According to a Tibetan media report, former TYC President Lhasang Tsiring told about 200 young Tibetans gathered at a public forum in India in February 2007 that the 2008 Beijing Olympics provide "an amazing opportunity as we can fight them when they would be most needed to be 'well-behaved.'" He told the audience, "For a committed activist you don't need CIA's support to cut a telephone line in Beijing or throw an iron rod on the power cables in Shanghai. These kinds of sabotages can be done by any ordinary person, and can weaken the power from inside. Sometimes the whole city goes dark by one simple but technically correct act."<sup>37</sup>

The Dalai Lama, however, has expressed no support for the political objectives or methods of TPUM or the TYC, and has maintained his consistently pacifist counsel to Tibetans—wherever they live. In an April 6 statement, the Dalai Lama appealed to Tibetans to "practice non-violence and not waver from this path, however serious the situation might be." He urged Tibetans living in exile to "not engage in any action that could be even remotely interpreted as violent."<sup>38</sup> He continued to reiterate his explicit support for China's role as the Olympics host throughout the period of the protests and their aftermath.<sup>39</sup>

#### *Status of Negotiations Between the Chinese Government and the Dalai Lama or His Representatives*

U.S. government policy recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures and counties in other provinces to be a part of China.<sup>40</sup> The U.S. State Department's 2008 Report on Tibet Negotiations observed that the Dalai Lama

"represents the views of the vast majority of Tibetans and his moral and spiritual authority helps to unite the Tibetan community inside and outside of China." President George W. Bush met in September 2007 with President Hu Jintao at the Asia Pacific Economic Cooperation Forum in Sydney, Australia, and told Hu that if Chinese leaders "were to sit down with the Dalai Lama they would find him a man of peace and reconciliation."<sup>41</sup> The Report on Tibet Negotiations stated:

The United States encourages China and the Dalai Lama to hold direct and substantive discussions aimed at resolution of differences at an early date, without preconditions. The Administration believes that dialogue between China and the Dalai Lama or his representatives will alleviate tensions in Tibetan areas and contribute to the overall stability of China.<sup>42</sup>

The U.S. Congress awarded the Congressional Gold Medal to the Dalai Lama on October 17, 2007.<sup>43</sup> The congressional act providing for the award found that the Dalai Lama "is the unrivaled spiritual and cultural leader of the Tibetan people, and has used his leadership to promote democracy, freedom, and peace for the Tibetan people through a negotiated settlement of the Tibet issue, based on autonomy within the People's Republic of China."<sup>44</sup>

The status of the China-Dalai Lama dialogue, which resumed in 2002,<sup>45</sup> deteriorated after the March 2008 protests from a condition characterized by the absence of evident progress, to one that may require remedial measures before the dialogue can resume focus on its principal objective—resolving the Tibet issue. The Chinese government and the Dalai Lama continue to maintain their fundamental positions toward the dialogue. [See CECC 2007 Annual Report, Section IV—Tibet: Special Focus for 2007, for additional information.]

The Dalai Lama's Special Envoy Lodi Gyari and Envoy Kelsang Gyaltzen met on May 4, 2008, in Shenzhen city, Guangdong province, for an "informal meeting"<sup>46</sup> with Communist Party United Front Work Department (UFWD) Executive Deputy Head Zhu Weiqun and Deputy Head Sita (Sithar).<sup>47</sup> The purpose of the meeting, Gyari said on May 8, was to discuss the "critical situation in Tibet" and to reach a decision to continue formal discussions.<sup>48</sup> The envoys called on Chinese authorities to release prisoners (Tibetan protesters), allow injured persons (protesters) to receive adequate medical treatment, and allow "unfettered access" to Tibetan areas by tourists and media organizations.<sup>49</sup> The Dalai Lama included similar points in an April 6 statement that he addressed to Tibetans worldwide<sup>50</sup> and reiterated them as his priorities in a May 25 interview with a Western newspaper.<sup>51</sup> President Hu Jintao said on May 7, soon after the Shenzhen meeting, "We hope that the Dalai Lama side take[s] concrete actions to show its sincerity by earnestly stopping activities involving splitting the motherland, instigating violence and disrupting the Beijing Olympics so as to create conditions for next consultation."<sup>52</sup>

On July 1 and 2, 2008, the Dalai Lama's envoys met in Beijing with UFWD officials, including UFWD Head Du Qinglin, for the seventh round of formal dialogue.<sup>53</sup> The Chinese team presented the envoys a set of new preconditions (the "four no supports")<sup>54</sup>

that intensify the Chinese government and Party campaign to hold the Dalai Lama personally accountable for Tibetan views and activities that he does not support and that contradict his policies and guidance.<sup>55</sup> A UFWD spokesman described the four types of activity that the Dalai Lama must not support as: (1) attempting to disrupt the 2008 Beijing Summer Olympic Games; (2) inciting violence (during Tibetan protests); (3) alleged “terrorist activities” by a Tibetan NGO; and (4) seeking Tibetan independence.<sup>56</sup> Du Qinglin demanded that the Dalai Lama “should openly and explicitly promise” to fulfill the requirements of the “four no supports” and “prove it in his actions.”<sup>57</sup> The demands pressure the Dalai Lama to serve as an active proponent of Chinese government political objectives as a precondition to continuing a dialogue that seeks to resolve political issues, and to take action to alter the political positions and activities of Tibetans within China and internationally.<sup>58</sup>

After the Beijing talks, Chinese officials and the Dalai Lama’s envoys both stated that continuing the dialogue is in jeopardy and depends on measures that the other side should undertake. A UFWD official said that if “the Dalai side” could not “materialize” the “four no supports,” then “there would hardly be the atmosphere and conditions required for the contacts and discussions between the two sides.”<sup>59</sup> Special Envoy Lodi Gyari said that the Tibetan delegation had been “compelled to candidly convey to our counterparts that in the absence of serious and sincere commitment on their part the continuation of the present dialogue process would serve no purpose.”<sup>60</sup>

#### *Heightened Repression of Tibetan Buddhism*

State repression of Tibetan Buddhism in 2008 has reached the highest level since the Commission began to report on religious freedom for Tibetan Buddhists in 2002. Chinese government and Party policy toward Tibetan Buddhists’ practice of their religion played a central role in stoking frustration that resulted in the cascade of Tibetan protests that started on March 10, 2008, when approximately 300 Drepung Monastery monks attempted a protest march in Lhasa.<sup>61</sup> The protests spread quickly across the Tibetan plateau and involved a large but undetermined number of Tibetan Buddhist monastic institutions and thousands of monks and nuns.<sup>62</sup> [See figure titled Map of Tibetan Protest Sites, County-level Areas above and Addendum: List of Tibetan Protest Sites, County-level Areas at the end of this section.]

Reports have identified hundreds of Tibetan Buddhist monks and nuns whom security officials detained for participating in the protests,<sup>63</sup> as well as members of Tibetan secular society who supported them. Peaceful protesters raised Tibetan Buddhist issues by calling for the return of the Dalai Lama,<sup>64</sup> the release of the Panchen Lama (Gedun Choekyi Nyima),<sup>65</sup> and freedom of religion generally.<sup>66</sup> [See box titled The Panchen Lama and the Golden Urn: China’s Model for Selecting the Next Dalai Lama.] Details about the detainees’ well-being and status under the Chinese legal system are few. Armed security forces maintained heightened security at some monasteries and nunneries after the protests as authorities conducted aggressive campaigns of patriotic education (“love

the country, love religion").<sup>67</sup> Demands that monks and nuns sign statements denouncing the Dalai Lama angered monks and nuns and prompted a second wave of protests and detentions.<sup>68</sup>

### **The Panchen Lama and the Golden Urn: China's Model for Selecting the Next Dalai Lama**

Gedun Choekyi Nyima, the boy the Dalai Lama recognized as the Panchen Lama in May 1995, turned 19 years old in April 2008. Chinese authorities have held him and his parents incommunicado in an unknown location since May 17, 1995,<sup>69</sup> three days after the Dalai Lama announced his recognition of Gedun Choekyi Nyima.<sup>70</sup> The Chinese government told the UN Special Rapporteur on Freedom of Religion in September 2005 that Gedun Choekyi Nyima is leading a "normal, happy life and receiving a good cultural education."<sup>71</sup> A TAR official described Gedun Choekyi Nyima in July 2007 as a "patriotic" boy who is "living a normal life in Tibet" and "studying at a senior high school" and "does not want his life to be disturbed."<sup>72</sup> The Chinese government has provided no information to support the statement that Gedun Choekyi Nyima is in the TAR or any other Tibetan area of China.

The State Council declared the Dalai Lama's 1995 announcement "illegal and invalid"<sup>73</sup> and installed Gyaltsen Norbu, whose appointment continues to stir widespread resentment among Tibetans—evidenced by Tibetan protesters' calls in March 2008 for Chinese authorities to "release" Gedun Choekyi Nyima.<sup>74</sup> Party officials assert that the next Dalai Lama will be selected in the same manner as Gyaltsen Norbu: by drawing a name from a golden urn. Ye Xiaowen, Director of the State Administration for Religious Affairs (SARA), and an alternate member of the Communist Party Central Committee,<sup>75</sup> said in an interview published on March 13, 2008, that SARA would "take control" of identifying the next Dalai Lama using "historical conventions." One of those conventions would be drawing a lot from an urn containing the names of three government-approved candidates to be the "soul boy" (reincarnated lama).<sup>76</sup>

Ye's reference to "historical conventions" refers to a 1792 Qing Dynasty edict demanding that the Tibetan government in Lhasa reform religious, administrative, economic, and military practices to suit the Qing court.<sup>77</sup> The first of the edict's 29 articles directed that the Dalai Lama and Panchen Lama be selected by drawing lots from a golden urn, and that a high-ranking imperial official must be present to confirm the result.<sup>78</sup>

#### THE NORM FOR TIBETAN BUDDHISM: SYSTEMATIC STATE INTERFERENCE

Chinese government interference with the norms of Tibetan Buddhism and unrelenting antagonism toward the Dalai Lama, one of the religion's foremost teachers, serves to deepen division and distrust between Tibetan Buddhists and the government and Communist Party. As the Commission's 2007 Annual Report documented, law, regulation, and policy that seek to prevent or punish Tibetan Buddhist devotion to the Dalai Lama, categorize him as a "splittist" (a criminal under Chinese law<sup>79</sup>), and that set aside centuries of religious tradition<sup>80</sup> create obstacles of profound implica-

tions for Tibetan Buddhists.<sup>81</sup> Legal and regulatory interference with Tibetan Buddhism antagonizes Tibetans in general, but it is especially harmful to Tibetans who regard the Dalai Lama (in his capacity as the spiritual leader of the Gelug tradition of Tibetan Buddhism<sup>82</sup>) as their guide on what Buddhists believe is the path toward enlightenment.

The function and legitimacy of Tibetan Buddhism—the core of Tibetan culture—has been especially hard-hit since 2005. Legal measures closely regulating monastic life in the TAR took effect in January 2007.<sup>83</sup> Nationwide measures establishing state supervision of the centuries-old Tibetan tradition of identifying, seating, and educating boys whom Tibetans believe are reincarnations of Buddhist teachers took effect in September 2007.<sup>84</sup> The government seeks to use such legal measures to remodel Tibetan Buddhism to suit the state, and to use legal pressure to compel Tibetan acceptance of such measures. For example, a February 2008 Tibet Daily report provided information about conditions in TAR monasteries and nunneries less than one month before the protests erupted.<sup>85</sup> The TAR procuratorate reported that it had “targeted monks and nuns” with campaigns on “love the country and love religion’ thinking” (patriotic education), and implemented measures linked to the government and Party’s “integrated management of the temples.”<sup>86</sup>

#### THE GANZI MEASURES: PUNISHING “MONK AND NUN TROUBLEMAKERS”

The government of Ganzi (Kardze) Tibetan Autonomous Prefecture (TAP), Sichuan province, issued on June 28, 2008, with immediate effect, unprecedented measures that seek to punish or eliminate from the prefecture’s Tibetan Buddhist institution those monks, nuns, religious teachers, and monastic officials whom public security officials accuse of involvement in political protests in the prefecture.<sup>87</sup> Of 125 documented Tibetan protests across the Tibetan plateau from March 10 to June 22, at least 44 took place in Ganzi TAP according to an August 5 advocacy group report.<sup>88</sup> Protesters at 40 of the 44 documented protests included Tibetan monks or nuns.<sup>89</sup> Nearly 38,000 Tibetan Buddhist monks and nuns were residents of 515 monasteries and nunneries in Ganzi TAP as of 2005, according to the Sichuan Daily.<sup>90</sup> Ganzi TAP has been the site of more known political detentions of Tibetans by Chinese authorities than any other TAP outside the TAR since the current period of Tibetan political activism began in 1987,<sup>91</sup> based on data available in the Commission’s Political Prisoner Database (PPD).<sup>92</sup>

The “Measures for Dealing Strictly With Rebellious Monasteries and Individual Monks and Nuns” (the Ganzi Measures) took effect on the date they were issued and punish speech and association, not violent activity:

In order to defend social stability, socialist law and the basic interests of the people, the measures listed below have been resolutely drafted for dealing clearly with participants in illegal activities aimed at inciting the division of nationalities, such as shouting reactionary slogans, distributing reactionary writings, flying and popularizing the “snow lion flag” and holding illegal demonstrations.<sup>93</sup>

The Ganzi Measures appear to apply some punishments that may be without precedent in post-Mao Zedong China and that, based on Commission staff analysis, do not appear to have a clear basis in national legal measures that establish central government regulatory power over religious activity in China. Such measures include the 2004 Regulation on Religious Affairs<sup>94</sup> and the 2007 Management Measures for the Reincarnation of Living Buddhas in Tibetan Buddhism.<sup>95</sup> For example, punishments in some cases can include the partial destruction or closure of a monastery or nunnery.<sup>96</sup> In other cases, authorities may punish a trulku (a teacher that Tibetan Buddhists believe is a reincarnation) by stripping the trulku of his religious position and function.<sup>97</sup> [See Addendum: The June 2008 Ganzi Measures: Dealing Strictly With Troublemaking Monks, Nuns, and Monasteries.]

#### *Weak Implementation of Regional Ethnic Autonomy*

Tibetan protesters, in their widespread calls for Tibetan independence, provided an unprecedented de facto referendum rejecting China's implementation of its constitutionally enshrined regional ethnic autonomy system.<sup>98</sup> The Regional Ethnic Autonomy Law<sup>99</sup> (REAL) is the state's principal legal instrument for managing the affairs of ethnic minorities. Its weak implementation has prevented Tibetans from using lawful means to protect their culture, language, and religion. This has exacerbated Tibetan frustration. The Chinese leadership's refusal to recognize the REAL's failure to fulfill the law's premise that it guarantees ethnic minorities the "right to administer their internal affairs" could expose the leadership to further increases in Tibetan resentment, continued calls for Tibetan independence, and the risk of local instability. [See box titled Impediments to Regional Ethnic Autonomy: Conflicts Within and Between Laws below.]

#### **Impediments to Regional Ethnic Autonomy: Conflicts Within and Between Laws**

##### **The Premise of Autonomy**

The REAL's Preamble asserts that the regional ethnic autonomy system "reflects the state's full respect for and guarantee of ethnic minorities' right to administer their internal affairs," and "has played an enormous role in giving full play to ethnic minorities' enthusiasm for being masters over their own affairs."<sup>100</sup>

##### **Conflicts That Impede Autonomy**

- Article 3 obligates ethnic autonomous governments to apply the decisions of higher-level authorities under "the principle of democratic centralism"—a system that is more consultative than democratic. A Chinese government White Paper said that democratic centralism "requires that the majority be respected while the minority is protected."<sup>101</sup>
- Article 7 sets aside ethnic minority rights to "administer their internal affairs" by subordinating ethnic autonomous governments to every higher level of government authority.<sup>102</sup>

### **Impediments to Regional Ethnic Autonomy: Conflicts Within and Between Laws—Continued**

- Article 12 provides a basis for establishing boundaries of ethnic autonomous areas that can reflect factors such as “historical background” and “the relationship among the various nationalities”—but it is Beijing’s view of history and ethnic relations that determines whether the REAL unites—or divides—territory where ethnic minority groups live.<sup>103</sup>
- Article 19 (and Constitution Article 116) provide ethnic autonomous congresses the power to enact autonomy or self-governing regulations “in the light of the political, economic, and cultural characteristics” of the relevant ethnic group(s)<sup>104</sup>—but China’s Legislation Law intrudes upon the right of ethnic minority people’s congresses to issue such regulations.<sup>105</sup>
- Article 20 provides ethnic autonomous governments the right to apply to a higher-level state agency to alter or cancel the implementation of a “resolution, decision, order, or instruction” if it does not “suit the actual conditions in an ethnic autonomous area”<sup>106</sup>—but the Legislation Law bars ethnic autonomous governments from enacting any variance to the laws and regulations that matter the most: those that are “dedicated to matters concerning ethnic autonomous areas.”<sup>107</sup>

#### *Economic Development vs. Ethnic Minorities’ Autonomous Rights*

The Chinese government undermines the prospects for stability in Tibetan autonomous areas of China by implementing economic development and educational policy in a manner that results in disadvantages for Tibetans. In a November 2007 academic thesis, Dr. Andrew Fischer analyzed the relationship in Tibetan areas of China between “economic polarisation, social exclusion, and social conflict.”<sup>108</sup> “The exclusionary experiences of Tibetans in different tiers of the labor market are interlinked through polarisation,” he said, “and operate along educational or cultural axes of disadvantage”—with the result that “class grievances mutate into cross-class collective grievances.”<sup>109</sup> The relevance of the point is evident in the social and professional range of Tibetan protesters who were not monks and nuns: business operators, workers, university graduates, junior high school students, farmers, and nomads.

The Chinese government facilitates resentment among non-monastic Tibetans against the increasing Han dominance in economic and cultural spheres principally by failing to empower local Tibetan autonomous governments to protect Tibetan interests. Among the consequences are the decline of the use<sup>110</sup> and teaching<sup>111</sup> of Tibetan language, and educational and training programs that leave Tibetans poorly prepared to compete in a Han-dominated job market.<sup>112</sup> Fischer observes in a forthcoming paper that preferential policies toward Tibetans are not as important in “dealing with disjunctures across changing educational and employment systems” as achieving “holistic political representation and decision making of minority groups.”<sup>113</sup>

The Qinghai-Tibet railway, a premier project of the Great Western Development program<sup>114</sup> that entered service in July 2006,<sup>115</sup> is an example of how Chinese policies prioritize accelerating eco-

nomic development over protecting ethnic minorities' rights of autonomy. The impact of the Qinghai-Tibet railway could overwhelm Tibetans and sharply increase pressure on the Tibetan culture. Based on Commission analysis of fragmentary and sometimes contradictory information, more than a half million passengers, most of whom are likely to be ethnic Han, may have traveled during the first 18 months of railway operation (July 2006 through December 2007) to the TAR to seek work, trade, and business opportunities.<sup>116</sup>

The Chinese government announced in January 2008 steps toward building a new railway that will open up the eastern TAR and Ganzi (Kardze) TAP—areas where Tibetan protesters have been active—to population influx from one of China's most populous provinces.<sup>117</sup> The railway will originate in Chengdu city, the capital of Sichuan province, and traverse Kangding (Dartsedo), Yajiang (Nyagchukha), Litang (Lithang), and Batang (Bathang) counties in Ganzi TAP before entering the TAR near Mangkang (Markham) county in Changdu (Chamdo) prefecture, based on a China Daily sketch.<sup>118</sup>

A Ministry of Railways spokesman said in August 2008 that the government expects to complete construction by 2020 of six rail lines feeding the Qinghai-Tibet railway.<sup>119</sup> Authorities had announced two of the rail lines (Lhasa-Rikaze and Lhasa-Linzhi) previously.<sup>120</sup> The spokesman did not provide any information about the railway route between Golmud city and Chengdu city. Depending on the government's economic, political, and geographic objectives, the route could traverse a number of Tibetan autonomous areas, including one or both of Yushu and Guoluo (Golog) TAPs in Qinghai province, and one or both of Ganzi TAP and Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture in Sichuan province.<sup>121</sup> Such a route would pass through some of the most remote Tibetan autonomous areas—areas where remoteness and the unavailability of high-capacity transportation links have helped the proportion of Tibetan population to remain relatively high.<sup>122</sup>

A five-year TAR government economic development program announced in the aftermath of the Tibetan protests indicates that government policy will prioritize and accelerate industrial expansion and resource extraction.<sup>123</sup> TAR economic commission director Li Xia said that the government "will pool 21.17 billion yuan (about 3 billion U.S. dollars) for 10 mining projects, four construction and building material enterprises, three medicine and food plants, and five industrial development zones in five years."<sup>124</sup> The government expects the projects to be operational by 2013, Li said.<sup>125</sup> The report did not disclose details about the source of the funding for the projects, the location of the industrial development zones, or the extent to which authorities expect the new projects to attract non-Tibetans to the TAR to seek employment. The total cost of the 22 projects will be equal to approximately two-thirds of the 33 billion yuan cost of constructing the Qinghai-Tibet railway.<sup>126</sup>

Another state-run program that prioritizes economic development by settling Tibetan nomads into compact communities is nearing completion throughout Tibetan areas, disrupting an important sector of the Tibetan culture and economy.<sup>127</sup> Nomads participated in the wave of protests following March 10 in substantial numbers,

placing some Tibetan counties on the protest map for the first time<sup>128</sup> since the current period of Tibetan political activism began in 1987.<sup>129</sup>

*Consequences of the Protests: Death, Detention, Patriotic Education, Isolation*

At no time since Tibetans resumed political activism in 1987 has the magnitude and severity of consequences to Tibetans (named and unnamed) who protested against the Chinese government been as great as it is now upon the release of the Commission's 2008 Annual Report. Few details are available about the thousands of Tibetans whom Chinese security officials detained, beat, fired on, or otherwise harmed as armed forces suppressed protests or riots and maintained security lockdowns. China's state-run media reported extensively on personal injury and property damage that Tibetan rioters caused from March 14 to 19 in locations such as Lhasa city, Aba county, and Gannan TAP, but authorities provided few details about the thousands of Tibetans whom they acknowledge detaining as a result of the incidents. Moreover, officials have provided little information about the suppression of peaceful Tibetan protests that took place over a period of weeks in more than 40 counties where Chinese state media did not report rioting, and where security officials reportedly detained thousands more Tibetans.<sup>130</sup> [See 2008 Annual Report, Section II—Rights of Criminal Suspects and Defendants for more information about legal process and abuse of Tibetan detainees.]

DEATH

At least 218 Tibetans had died by June as the result of Chinese security forces using lethal force (such as gunfire) against Tibetan protesters, or from severe abuse (such as beating and torture), according to an August 21 Tibetan government-in-exile (TGiE) report.<sup>131</sup> The Tibetan Centre for Human Rights and Democracy reported on June 20 that "more than 100" Tibetans had died.<sup>132</sup> Neither organization commented publicly on the substantial difference between the estimates. If a report is accurate that, on March 28, authorities cremated near Lhasa more than 80 (apparently unidentified) bodies of Tibetans killed in connection with protest (or riot) activity, then a full accounting of all of the casualties may never occur.<sup>133</sup>

The March 14 Lhasa protests and rioting resulted in the largest number of Tibetan fatalities reported for a single incident. On March 16, the TGiE reported that "at least 80 people were killed" on March 14 in Lhasa.<sup>134</sup> Jampa Phuntsog (Xiangba Pingcuo), Chairman of the TAR government, denied at a March 17 press conference, however, that security forces carried or used "any destructive weapons" as they suppressed the March 14 riot.<sup>135</sup> Additional incidents of lethal weapons fire against Tibetan protesters took place on at least six occasions outside the TAR, according to NGO and media reports: on March 11 in Daocheng (Dabpa) county, Ganzi TAP, Sichuan province;<sup>136</sup> March 16 in Aba county, Aba prefecture, Sichuan province;<sup>137</sup> March 16 (or March 18) in Maqu county, Gannan TAP, Gansu province;<sup>138</sup> March 18 in Ganzi county, Ganzi TAP;<sup>139</sup> March 24 in Luhuo (Draggo) county, Ganzi

TAP;<sup>140</sup> and on April 3 in Ganzi county.<sup>141</sup> Up to 15 Tibetans were reportedly wounded by weapons fire on April 5 in Daofu (Dawu) county, Ganzi TAP, but no fatalities were reported.<sup>142</sup> The Dalai Lama issued statements on March 18<sup>143</sup> and April 6<sup>144</sup> appealing to Tibetans to refrain from violent activity.

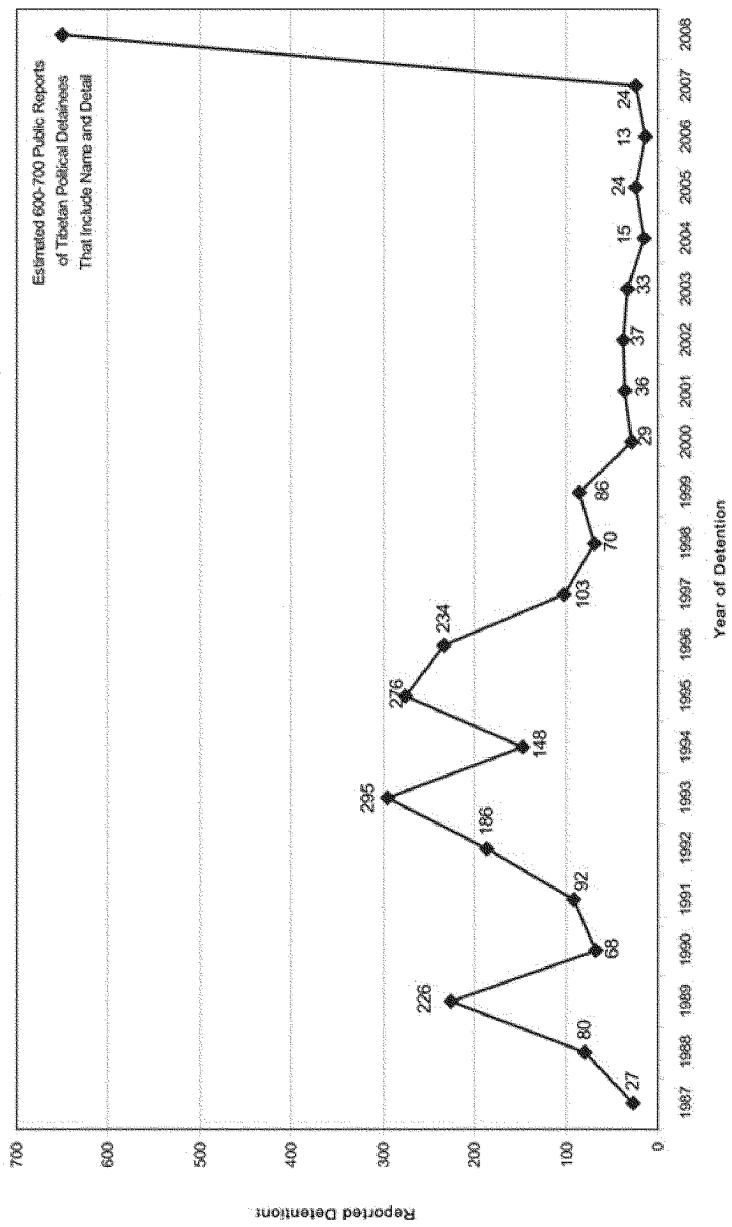
Chinese officials have not acknowledged the deaths of Tibetan protesters as the result of lethal force used by Chinese security forces.<sup>145</sup> Instead, state-run media has emphasized the consequences of Tibetan violence, especially the deaths of 18 civilians and 1 policeman in the March 14 Lhasa riot.<sup>146</sup> International media and non-governmental organizations also reported Tibetan violence, sometimes resulting in death, against ethnic Han and Hui individuals in Lhasa.<sup>147</sup>

#### DETENTION

Unless Chinese authorities have released without charge a very high proportion of the Tibetans reportedly detained as a result of peaceful activity or expression on or after March 10, 2008, the resulting surge in the number of Tibetan political prisoners may prove to be the largest increase in such prisoners<sup>148</sup> that has occurred under China's current Constitution<sup>149</sup> and Criminal Law.<sup>150</sup> The current period of Tibetan political activism began in 1987. [See chart titled Tibetan Political Detention by Year, 1987–2008 below.]

Chinese security officials detained thousands of Tibetans, first in connection with the cascade of protests (and sometimes rioting) followed by the imposition of security lockdowns at protest locations, and then as monks, nuns, and other Tibetans expressed anger at the aggressive reimplementation of political indoctrination campaigns, including patriotic education. China's state-run media acknowledged in reports in March and April 2008 that a total of 4,434 persons characterized as "rioters" had either surrendered to security forces or were detained by them in nine counties where rioting reportedly took place between March 14 and 19.<sup>151</sup> The nine counties were located in Lhasa municipality and Gannan TAP. The reports did not name or provide detailed information about any of the detainees. Two official reports on April 9<sup>152</sup> and one report on June 21<sup>153</sup> disclosed the release of a total of 3,027 of the 4,434 persons who reportedly surrendered or were detained. The June 21 report (on Lhasa) noted that the persons released had "expressed regret for conducting minor crimes."<sup>154</sup> Based on the April 9 and June 21 reports, the status of more than 1,200 of the persons who had surrendered or been detained remained unknown.<sup>155</sup> [For detailed information, see table titled Official Chinese Sources: Detention, Surrender, and Release of Alleged "Rioters" below.]

**Tibetan Political Detention by Year, 1987-2008**  
 Based on data available in the Congressional-Executive Commission on China Political Prisoner Database.  
 2008 figure is approximate, based on public reports providing names and details of political detainees.



**OFFICIAL CHINESE SOURCES: DETENTION, SURRENDER, AND RELEASE OF ALLEGED "RIOTERS"**

	Lhasa city, March 14 rioting Xinhua, April 9 <sup>156</sup>	Gannan TAP, March 14-19 rioting Xinhua, April 9 <sup>157</sup>	Linzhou county, March 14 rioting Tibet Daily, March 19 <sup>158</sup>	Aba county, March 18 rioting Xinhua, March 25 <sup>159</sup>	Total
<b>Surrender: Total</b>	362	2,204 (incl. 519 monks) 1,870 (incl. 413 monks)	94	381	3,041
Surrender: Released	328				
Surrender: Formal arrest	34				
Surrender: Remain detained	953				
<b>Police detention: Total</b>	403	334 (incl. 106 monks) 440 (incl. 170 monks)	8		1,393
Police detention: Released					
Police detention: Formal arrest					
Police detention: Remain detained					
<b>Total: Surrendered or detained</b>	1,315	2,644	94	381	4,434
<b>Total: Remain detained</b> (Reports as of June)	116	116			116
<b>Total: Sentenced</b> (Reports as of June)	42	China Daily, June 21 <sup>160</sup>			42
<b>Total: Released</b> (Reports as of June)	1,157	China Daily, June 21			3,027
<b>Total: Status unknown</b> (Reports as of June)	0	1,870 Xinhua, April 9 774	94	381	1,249

Chinese authorities had by late June provided detailed legal process information about only a few dozen of the protest- and riot-related cases that may have reached trial in the Lhasa area, and no information about a possibly greater number of prosecutions that could take place in other locations across the Tibetan protest area. All but 14<sup>161</sup> of the individual cases known to the Commission about which China disclosed criminal charge information involved charges of violent or ordinary crime committed during activity characterized as rioting.

The largest such disclosure of official information was on the Lhasa Intermediate People's Court April 29, 2008, sentencing of 30 Tibetans to imprisonment for periods ranging from three years to life.<sup>162</sup> The court convicted the defendants for crimes described as "arson, looting, picking quarrels and provoking troubles, assembling a crowd to storm state organs, disrupting public service, and theft."<sup>163</sup> A Lhasa court convicted an additional 12 persons on similar charges on June 19 and 20, bringing to 42 the total of officially acknowledged convictions linked to alleged riot-related activity in Lhasa municipality, according to an official report.<sup>164</sup> An additional 116 persons were awaiting trial.<sup>165</sup> A Party-run Web site disclosed on March 30 a reshuffling of TAR court and procuratorate personnel that could have facilitated an increase in case handling capacity by the two intermediate people's courts located nearest to Lhasa.<sup>166</sup> An official Chinese report disclosed on July 11 that on June 19 and 20 four local courts in Lhasa and Shannan (Lhoka) Prefecture sentenced an additional 12 persons to imprisonment for alleged involvement in the Lhasa rioting.<sup>167</sup> The same report disclosed that courts had not yet sentenced anyone to death in connection with alleged rioting, but that 116 persons "were on trial" and that Chinese law would determine whether some of the persons tried would be sentenced to execution.<sup>168</sup>

The most extensive NGO compilation of detailed information about the detention of Tibetans resulting from the protests has been an April 25, 2008, Tibetan Centre for Human Rights and Democracy (TCHRD) list of 518 Tibetans.<sup>169</sup> Media organizations and NGOs continued to report additional detentions during the months preceding publication of the Commission's Annual Report. Two reports released in August by different Tibetan reporting agencies placed the total number of Tibetan detentions since March 10 at 6,705 and "over 6,500" respectively.<sup>170</sup> Neither report provided any information about the number of detainees who had been released or remain detained, or who had been sentenced to imprisonment or reeducation through labor (RTL). Security officials in the TAR "deported" on April 25 to Qinghai province 675 monks, including 405 monks studying at Drepung Monastery and 205 monks studying at Sera Monastery, according to an August 28 media organization report.<sup>171</sup> Many of the monks were originally from Qinghai; others were from Tibetan autonomous areas of Sichuan province.<sup>172</sup> "All" of the monks from Qinghai remained detained in their hometowns, according to the report, which did not name any of the detainees and provided few details about detainees' current locations.<sup>173</sup> The 610 Drepung and Sera monks removed from the TAR were among a total of approximately 950 monks authorities detained from the

two monasteries on April 10 and April 14, according to the same report.<sup>174</sup>

#### PATRIOTIC EDUCATION

The Party responded to the Tibetan protests with further escalation of the very political indoctrination campaigns, such as patriotic education (“love the country, love religion”), that helped to provoke Tibetans into protesting in the first place.<sup>175</sup> Party Secretary Zhang Qingli issued an order on April 3 that officials across the TAR must conduct patriotic education programs at monastic institutions, workplaces, businesses, and schools, and require participants to sign denunciations of the Dalai Lama, according to a media report.<sup>176</sup> The Tibet Daily reported that the Party had organized a teleconference to warn cadres against “war-weariness” and to conduct educational activities that would “remove the scales” from the eyes of the “vast masses” so that they would “see clearly what Dalai really wants and what he has already done.”<sup>177</sup> According to another Tibet Daily report, the Lhasa city school system trained nearly 3,700 patriotic education “core instructors” who lectured a total of nearly 180,000 persons who attended a total of more than 1,000 lectures.<sup>178</sup> Officials in Tibetan autonomous areas outside the TAR launched political indoctrination campaigns<sup>179</sup> in prefectures where protests took place,<sup>180</sup> as well as in locations where protests were not reported.<sup>181</sup>

The aggressive new patriotic education campaigns fueled a second wave of protests and detentions that began in April and continued as the Commission prepared the 2008 Annual Report. Authorities may have detained hundreds of monks, nuns, and other Tibetans as the result of incidents arising from Tibetan refusals to fulfill the demands of patriotic education instructors.<sup>182</sup> Government measures to prevent information from reaching international observers have hindered an accurate assessment of the full impact of patriotic education and other political indoctrination programs on Tibetan communities. In addition to the standard demand that monks and nuns denounce the Dalai Lama, officials sought to pressure senior Tibetan Buddhist figures<sup>183</sup> and ordinary monks, nuns, and villagers<sup>184</sup> to affirm support for the Chinese government assertion that the Dalai Lama was responsible for the protests and rioting. Authorities in some cases vandalized or destroyed images of the Dalai Lama, offending monks and nuns and prompting comparisons with the Cultural Revolution.<sup>185</sup> Security forces responded to an April 3 protest resulting from patriotic education in Ganzi county with lethal weapons fire.<sup>186</sup>

#### ISOLATION

Chinese security officials imposed and maintained measures that isolated Tibetan communities from each other and from the outside world as the Tibetan protests spread and the Chinese government response gathered momentum. Authorities confiscated cell phones and computers, turned off cellular transmission facilities, and interfered with Internet access, according to accounts.<sup>187</sup> Authorities threatened Tibetans with punishment if they shared information about Tibetan fatalities or detentions.<sup>188</sup>

The Chinese government continued to deny international journalists and foreign tourists access to the TAR after dropping plans to

reopen the region to such visitors on May 1.<sup>189</sup> Ministry of Foreign Affairs Spokesman Qin Gang confirmed on June 12, 2008, that the TAR remained temporarily closed to foreign journalists and blamed the closure on “the Dalai Clique.”<sup>190</sup> The level of access by foreign journalists and tourists to Tibetan autonomous areas located in other provinces—which unlike the TAR do not require special permits of foreigners for entry—varied during the post-March 10 period. [See 2008 Annual Report, Section II—Freedom of Expression—Restrictions Bolster Image of Party and Government.] The Dalai Lama stated in a May 25 interview that the most important gesture he would like to see from the Chinese government would be to permit international journalists to travel to the Tibetan areas of China to “look, investigate, so the picture becomes clear.”<sup>191</sup>

#### *Long-term Implications of the Tibetan Protests*

Chinese government decisions guiding recovery from the wave of protests (and rioting) could alter the outlook for the Tibetan culture, religion, language, and heritage. Continuing with the current mix of policy, law, and implementation, and waiting for the Dalai Lama to pass away so that Chinese officials can supervise the installation of a Dalai Lama whom Tibetans are unlikely to accept, could result in heightened risks to local and regional security for decades to come.

A Chinese government decision to fulfill the Constitution’s guarantees of the freedoms of speech, religion, and association; to ensure that laws and regulations on regional ethnic autonomy deliver to Tibetans the right to “administer their internal affairs”; and to engage the Dalai Lama in substantive dialogue on the Tibet issue, can result in a durable and mutually beneficial outcome for Chinese and Tibetans.

#### *Tibetan Political Imprisonment: No News of Early Release, Sentence Reduction*

The Commission is not aware of any reports of Tibetan political prisoners to whom Chinese authorities granted a sentence reduction or an early release from imprisonment during the past year. The Dui Hua Foundation noted in a June 17, 2008, report that it had not seen any such developments recently, and that cases involving the charge of splittism<sup>192</sup> are being “strictly handled.”<sup>193</sup> Officials rarely grant clemency to Tibetan or Uyghur political prisoners, who are typically charged with splittism, Dui Hua said.<sup>194</sup>

The Commission is not aware of new developments in the cases of Tibetan monk Jigme Gyatso<sup>195</sup> (detained in 1996 and serving an extended 18-year sentence for printing leaflets, distributing posters, and later shouting pro-Dalai Lama slogans in prison); monk Choeying Khedrub<sup>196</sup> (sentenced in 2000 to life imprisonment for printing leaflets); reincarnated lama Bangri Chogtrul<sup>197</sup> (detained in 1999 and serving a sentence of 18 years commuted from life imprisonment for “inciting splittism”); or nomad Ronggyal Adrag (sentenced in November 2007 to 8 years’ imprisonment for shouting political slogans at a public festival).

#### ADDENDUM: LIST OF TIBETAN PROTEST SITES, COUNTY-LEVEL AREAS

County-level areas and cities where peaceful Tibetan protests (and in some cases, riots) reportedly took place from March 10, 2008, through the end of April. Multiple protests took place in several counties.

##### *Beijing municipality (1)*

*Beijing municipality (1)*: Beijing city.

##### *Tibet Autonomous Region (17)*

- *Lhasa municipality (7)*: Lasa (Lhasa) city, Linzhou (Lhundrub) county, Dangxiong (Damshung) county, Qushui (Chushur) county, Duilongdeqing (Toelung Dechen) county, Dazi (Tagtse) county, Mozhugongka (Maldo Gongkar) county.
- *Changdu (Chamdo) prefecture (4)*: Jiangda (Jomda) county, Gongjue (Gonjo) county, Basu (Pashoe) county, Mangkang (Markham) county.
- *Shannan (Lhoka) prefecture (1)*: Zhanang (Dranang) county.
- *Rikaze (Shigatse) prefecture (2)*: Rikaze city, Sajia (Sakya) county.
- *Naqu (Nagchu) prefecture (2)*: Naqu county, Suo (Sog) county.
- *Ali (Ngari) prefecture (1)*: Ritu (Ruthog) county.

##### *Qinghai province (13)*

- *Xining municipality (1)*: Xining city.
- *Haidong prefecture (1)*: Hualong Hui Autonomous County.
- *Huangnan (Malho) Tibetan Autonomous Prefecture (TAP) (3)*: Tongren (Rebgong) county, Jianzha (Chentsa) county, Zeku (Tsekhog) county, Henan (Yulgan) Mongol Autonomous county.
- *Hainan TAP (4)*: Gonghe (Chabcha) county, Tongde (Gepasumdo) county, Xinghai (Tsigorthang) county, Guinan (Mangra) county.
- *Guoluo (Golog) TAP (3)*: Banma (Pema) county, Dari (Darlag) county, Jiuzhi (Chigdrol) county.
- *Yushu (Yulshul) TAP (1)*: Yushu (Kyegudo) county.

##### *Gansu province (7)*

- *Lanzhou municipality (1)*: Lanzhou city.
- *Gannan (Kanlho) TAP (6)*: Hezuo (Tsoe) city, Xiahe (Sangchu) county, Luqu (Luchu) county, Maqu (Machu) county, Diebu (Thewo) county, Zhuoni (Chone) county.

##### *Sichuan province (17)*

- *Chengdu municipality (1)*: Chengdu city.
- *Aba (Ngaba) Tibetan and Qiang Autonomous Prefecture (5)*: Ma'erkang (Barkham) county, Songpan (Zungchu) county, Ruo'ergai (Dzoegge) county, Aba county, Rangtang (Dzamthang) county.
- *Ganzi (Kardze) TAP (11)*: Kangding (Dartsedo) county, Daocheng (Dabpa) county, Yajiang (Nyagchukha) county, Litang (Lithang) county, Xinlong (Nyagrung) county, Daofu (Tawu) county, Luhuo (Draggo) county, Ganzi county, Dege county, Shiqu (Sershul) county, Seda (Serthar) county.

## ADDENDUM

### THE JUNE 2008 GANZI MEASURES: DEALING STRICTLY WITH TROUBLEMAKING MONKS, NUNS, AND MONASTERIES

The government of Ganzi (Kardze) Tibetan Autonomous Prefecture (TAP), located in Sichuan province, issued with immediate effect on June 28, 2008, the “Measures for Dealing Strictly With Rebellious Monasteries and Individual Monks and Nuns” (Ganzi Measures).<sup>198</sup> The Ganzi Measures are divided into three groups: Articles 1 to 4 deal with “monk and nun troublemakers”; Articles 5 to 9 address “troublemaking monasteries”; Articles 10 to 12 seek to punish management officials of monasteries and nunneries who failed to “fulfill their responsibilities.”

Based on Commission staff analysis, some punishments do not appear to have a clear basis in national legal measures that establish central government regulatory power over religious activity in China. Three examples are:

- The punitive demolition of lawfully constructed monastic residences;
- The punitive reduction of the number of lawfully registered monks or nuns entitled to reside at a monastery or nunnery; and
- The punitive removal from a reincarnated Tibetan Buddhist teacher of his religious position and function.

#### MONKS AND NUNS: REEDUCATION, CRIMINAL CHARGES, EXPULSION

*Articles 1 to 4 divide punishment for monks and nuns into four levels of severity.* Determinants include official assessment of whether an alleged offense is “minor” or “serious,” whether or not a monk or nun is cooperative and provides a written statement of guilt, and whether a monk or nun is “stubborn.”

*Articles 1 to 3 impose “reeducation.”* Article 1 applies the least level of punishment and allows a monk or nun to undergo reeducation in a family household if the head of household serves as guarantor that the monk or nun will remain inside the house and “strictly follow reeducation.” Articles 2 and 3 require that reeducation take place “in custody,” but the measures do not specify the type of facility in which the monk or nun will be confined while under custody.

*Article 4 provides for punishment “according to law”* for activities such as “instigating splittism and disturbances” (e.g., prosecution in a court on charges such as Article 103 of China’s Criminal Law (inciting “splittism”), or Article 293 (“creating disturbances”)). Other activities punishable by law are “hatching conspiracies,” “forming organizations,” and “taking a leading role.”

*Articles 3 and 4 include expulsion of a monk or nun from a monastery or nunnery* and permanent revocation of official status as a monk or nun.

#### MONASTERIES AND NUNNERIES: SHRINKING SOME, CLOSING OTHERS

*Articles 5 to 9 describe “cleansing and rectification” of monasteries and nunneries,* a process that penalizes the institution of Tibetan Buddhism.

*Article 5 provides rectification for monasteries and nunneries where 10 percent to 30 percent of monks and nuns participated in “disturbances.” The monastery or nunnery will be sealed off, searched, religious activity suspended, and “suspect persons detained according to law.”*

*Article 6 provides for rectification of Democratic Management Committees (DMCs) at monasteries and nunneries where DMC members “participated in disturbances.” Local government officials may take over the management of a monastery or nunnery if they deem “suitable personnel” to be unavailable. Normal management functions of monasteries and nunneries will be suspended while a DMC undergoes rectification.*

*Article 7 provides for expelling monks and nuns from monasteries and nunneries and annulling their official status as “religious practitioners” if they do not “assist” officials conducting rectification, refuse to be photographed and registered, leave a monastery or nunnery without permission, or fail to “correct themselves” during reeducation.*

*Article 7 provides for the demolition of monastic residences that were occupied by monks or nuns that officials expel.* (The Commission is not aware of a national or provincial legal measure that provides for the demolition of monastic residences as punishment for offenses such as those listed in Article 7. Based on information available to the Commission, monasteries and nunneries apply for and receive permission from local government officials to renovate or construct monastic residences.<sup>199</sup> The Ganzi Measures do not make clear whether the residences of monks and nuns expelled under Articles 3 and 4 will also be demolished.)

*Article 8 requires re-registration of all monks and nuns resident at monasteries and nunneries involved in “disturbances.”*

*Article 8 reduces the total number of monks and nuns permitted to reside at monasteries and nunneries involved in “disturbances” by the number of monks or nuns who are expelled from each monastery or nunnery.* (Once officials reduce the number of monks and nuns permitted to reside at a monastery or nunnery, restoring the number of monks and nuns to its previous level would require co-ordination between a monastery or nunnery’s Democratic Management Committee,<sup>200</sup> a state-controlled Buddhist association, and the local government.<sup>201</sup>)

*Article 9 provides for the investigation, loss of status as a “registered religious institution,” and closure of a monastery or nunnery if officials determine that a DMC does not improve after rectification, or if monks or nuns “go out again and make trouble.”* (Once a monastery or nunnery is de-registered and closed, provisions of the Regulation on Religious Affairs would require provincial-level approval before the monastery or nunnery could be re-established.<sup>202</sup>)

#### MONASTIC OFFICIALS, TEACHERS, AND TRULKUS: PUBLIC HUMILIATION, LOSS OF POSITION

*Articles 10 to 12 punish members of a monastery or nunnery’s DMC that do not maintain control of monks and nuns and “take a clear stand on the issue” (e.g., uphold government and Party policy). All three measures refer to DMC officials including monks,*

khenpos (abbots), geshes (teachers who have attained the most advanced degree of monastic education), and trulkus (teachers that Tibetan Buddhists believe are reincarnated).

*Article 10 provides for “careful scrutiny” of mistakes, criticism, and reeducation of DMC members that were “not directly involved in disturbances,” but that failed to “take a clear stand on the issue,” investigate and discipline monks and nuns that protested, or that were “lax” or deemed to have committed “instances of poor management.”*

*Article 11 provides for television and newspaper coverage of “detailed examination” of DMC members before a monastic assembly if DMC members are “two-faced” or fail to “make their attitude clear.” Such DMC members must submit a “written guarantee” (presumably of correct behavior) at the publicized event.*

*Article 12 provides for punishment under China’s Criminal Law as well as loss of government, consultative, and religious positions for DMC members that “collude with foreign separatists” (a probable reference to the Dalai Lama and the Tibetan Buddhist monastic community in other countries), “assist” protests, “tolerate” protests, or “incite” others to protest. Officials will strip trulkus accused of such behavior of “the right to hold the incarnation lineage.” (The Commission is not aware of a legal basis in China’s national regulations on religion for stripping a trulku of “the right” to be a trulku. The 2007 Management Measures for the Reincarnation of Living Buddhas in Tibetan Buddhism (MMR) provide detailed regulation of the process of identifying, seating, and educating a reincarnated Tibetan Buddhist teacher—including regulation of whether or not a reincarnated teacher is entitled to reincarnate once again.<sup>203</sup> The MMR does not, however, provide a process whereby the state may “strip” a trulku of his religious position and function.)*

## Endnotes

<sup>1</sup>“China Detains Tibetan Monks Protesting on Key Anniversary,” Radio Free Asia (Online), 10 March 08.

<sup>2</sup>See The Crisis in Tibet: Finding a Path to Peace, Hearing of the Committee on Foreign Relations, U.S. Senate, 23 April 08, Written Statement Submitted by Steven Marshall, Senior Advisor, Congressional-Executive Commission on China. See also, “Protests Fueled by Patriotic Education Continue Amidst Lockdowns,” Congressional-Executive Commission on China (Online), 10 April 08.

<sup>3</sup>Intermittent armed conflict between Tibetans and the People’s Liberation Army (PLA) took place at various times and locations following establishment of the People’s Republic of China on October 1, 1949, and continued through the 1950s as the PLA cemented political control in ethnic Tibetan areas that today comprise the Tibet Autonomous Region (TAR), the 10 Tibetan Autonomous Prefectures (TAPs), and 2 Tibetan Autonomous Counties (TACs) located in Qinghai, Gansu, Sichuan, and Yunnan provinces.

<sup>4</sup>The past 25 years (since approximately 1983) in the Tibetan areas of China have been characterized by factors including the Tibetan rebuilding of the Tibetan Buddhist monastic institution and the resumption of Tibetan Buddhism as a central (though constrained) feature in the lives of most Tibetans. See, e.g., Tibetan Centre for Human Rights and Democracy (TCHRD) (Online), “Human Rights Situation in Tibet: Annual Report 2005,” 118. TCHRD notes in note 72 that the period from 1983 to 1987 “was one of rapid growth for monasteries and nunneries.” Tibet Information Network, “News Review No. 26: Reports From Tibet, 1997,” April 1998, 4. The news summary notes, “Until 1983 some 70 monks at Drepung monastery were married men with families.”

<sup>5</sup>CECC, 2007 Annual Report, 10 October 07, Section IV. “Tibet: Special Focus for 2007” provides an overview of Commission Annual Report coverage since 2002 of key Tibetan issues.

<sup>6</sup>The 12 county-level areas are: Lhasa city, Duilongdeqin (Toeling Dechen), Linzhou (Lhundrub), and Dazi (Tagtse) counties, located in Lhasa municipality in the TAR; Aba (Ngaba) and Ruo’ergai (Dzoegye) counties, located in Aba Tibetan and Qiang Autonomous Prefecture in Sichuan province; and Xiahe (Sangchu), Maqu (Machu), Luqu (Luchu), Zhuoni (Chone), and Diebu (Thewo) counties, and Hezuo (Tsue) city, located in Gannan (Kanlho) TAP in Gansu province. “Judgments Pronounced Publicly on Some Defendants Involved in Lhasa’s ‘14 March’ Incident,” Xinhua, 29 April 08 (Open Source Center, 30 April 08). The Xinhua article refers to five monks sentenced for rioting in Dechen township of Duilongdeqin county. “94 Criminal Suspects in Linzhou County Surrender Themselves to Justice,” Tibet Daily, 19 March 08 (Open Source Center, 19 March 08). The Tibet Daily article reports the surrender of persons allegedly involved in “serious incidents of beating, smashing, looting, and burning” in Linzhou county. “Tibet Issues Arrest Warrants for 16 Suspects In Riot,” Xinhua (Online), 5 April 08. According to the April article in Xinhua, the 16 suspects allegedly took part in a March 15 riot in Dechen township, located in Dazi county. “Police: Four Rioters Wounded Sunday in Aba of SW China,” Xinhua (Online), 20 March 08. The Xinhua article from March reports Tibetan rioting in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province. Security forces reportedly shot and wounded four Tibetans. (The Tibetan Centre for Human Rights and Democracy reported on March 18 that security forces shot and killed at least 18 Tibetans.) “Lies Cannot Conceal Evil Nature,” Sichuan Daily, 10 April 08 (Open Source Center, 16 April 08). The Sichuan Daily article alleges that on March 15, Lhamo Kirti (Tagtsang Lhamo) Monastery monks attacked government offices, police stations, and shops. Similar incidents reportedly took place elsewhere in Ruo’ergai. “Media Tour in Gansu Interrupted, Resumes Soon,” Xinhua (Online), 9 April 08. According to this Xinhua article: “From March 14 to 19, assaults, vandalism, looting and arson occurred in the Xiahe, Maqu, Luqu, Jone, Hezuo and Diebu areas of Gannan

<sup>7</sup>“Protests Fueled by Patriotic Education Continue Amidst Lockdowns,” Congressional-Executive Commission on China (Online), 10 April 08.

<sup>8</sup>“Dalai-Backed Violence Scars Lhasa,” Xinhua (Online), 15 March 08; “China Clamps Down on Tibetan Protests As Many Deaths, Injuries Reported,” Radio Free Asia (Online), 14 March 08; Jim Yardley, “Chinese Police Clash With Tibet Protesters,” New York Times (Online), 15 March 08.

<sup>9</sup>“Police, Officials Hurt in Sichuan Riots,” Xinhua (Online), 20 March 08; “Violence, Protests Spread From Tibet to Western China,” Radio Free Asia (Online), 16 March 08; Benjamin Kang Lim and Chris Buckley, “Tibetan Riots Spread, Security Lockdown in Lhasa,” Reuters (Online), 16 March 08.

<sup>10</sup>“Media Tour in Gansu Interrupted, Resumes Soon,” Xinhua; TibetInfoNet (Online), “The World Will Not Look Away.’ Demonstrations in Amdo Machu and Region,” 17 March 08.

<sup>11</sup>Jill Drew, “Tibet Protests Turn Violent, Shops Burn in Lhasa,” Washington Post (Online), 14 March 08. According to the report, “The confrontations, initially led by monks, were joined Friday by hundreds of Tibetan civilians, who began attacking shops owned by ethnic Han and Hui Chinese. Street fights between Tibetans and Chinese continued into the night, according to reports from the region.” International Campaign for Tibet (Online), “Tibet at a Turning Point: The Spring Uprising and China’s New Crackdown,” 5 August 08, 54. The report quotes an eyewitness description of activity on March 14 near Ramoche Temple in Lhasa: “Then they poured into Tromsikhang [the market at the corner of Barkhor Street] from Ramoche Temple. On the way, many shops owned by Chinese and Chinese Muslims (Hui) were destroyed.”

<sup>12</sup>“Number of Rioters Surrendering to Police Tops 280 in Lhasa,” Xinhua (Online), 26 March 08 (“Rioters [in Lhasa] . . . attacked schools, banks, hospitals, shops, government offices, utilities and state media offices. Damage is estimated at more than 244 million yuan (34.4 million U.S. dollars.”); “More Than 200 Injured, Shops Set Alight in Aba Riot,” Xinhua, reprinted in China Daily (Online), 3 April 08 (“More than 200 people were injured and 24 shops and 81 vehi-

cles were set alight in the March 16 riot in the Aba Tibetan and Qiang Autonomous Prefecture of southwestern China, an official said Thursday."); "Media Tour in Gansu Interrupted, Resumes Soon," Xinhua ("From March 14 to 19, assaults, vandalism, looting and arson occurred in the Xiahe, Maqu, Luqu, Jone, Hezuo and Diebu areas of Gannan, leaving 94 people injured and incurring 230 million yuan (32.8 million U.S. dollars) in damages.")

<sup>13</sup> See, e.g., Jim Yardley, "Tibetans Clash With Chinese Police in 2nd City," New York Times (Online), 16 March 08. The New York Times reported that according to a Tibetan in India who spoke by phone to Tibetan protesters in Xiahe county, Gansu province, thousands of protesters on March 16 shouted slogans including, "The Dalai Lama must return to Tibet." Tibetan Centre for Human Rights and Democracy (Online), "Scores of Tibetans Arrested for Peaceful Protest in Lhasa," 11 March 08. On March 10 in Guinan (Mangra) county, Qinghai province, a few hundred protesters shouted slogans calling for the Dalai Lama to return to Tibet. Tibetan Centre for Human Rights and Democracy (Online), "Around 40 Middle School Students Arrested in Marthang," 17 March 08. Approximately 100 Tibetan middle school students in Hongyuan (Kakhog, or Marthang) county, Sichuan province, demonstrated inside the school compound, calling for the return of the Dalai Lama to Tibet.

<sup>14</sup> See, e.g., Tibetan Centre for Human Rights and Democracy (Online), "Protest Erupts After Prayer for Deceased in Drango County," 25 March 08. More than 400 monks in Luhuo (Draggo) county, Ganzi TAP, Sichuan province, shouted slogans on March 25 including, "Release [the] Panchen Lama." Tibetan Centre for Human Rights and Democracy (Online), "Hundreds of Tibetans Protested in Chentsa, Malho TAP, Qinghai Province," 25 March 08. Hundreds of Tibetans protesting on March 22 in Jianza (Chentsa) county, Huangnan (Malho) TAP, Qinghai province, carried photographs of the Dalai Lama and Panchen Lama, and shouted slogans including, "Release the eleventh Panchen Lama Erdeni Gedun Choekyi Nyima." "Latest Updates on Tibet Demonstrations," Radio Free Asia (Online), 25 March 08. More than 1,000 monks and other Tibetans shouted slogans on March 18 in Xiale (Sangchu) county, Gannan (Kanlho) TAP, Gansu province, including, "Release the Panchen Lama."

<sup>15</sup> See, e.g., "Tibet Update (1)," China Digital Times (Online), last visited on 18 June 08. The Drepung monks "joined the peaceful demonstration, demanding the freedom for religious belief." In another protest, several hundred Labrang Tashikhyil monks and ordinary citizens staged a protest march on March 14 and shouted slogans including, "Return us to religion freedom." Tibetan Centre for Human Rights and Democracy (Online), "China Detains Drakar and Gaden Choeling Nuns in Kardze," 17 May 08. Two nuns were detained for calling for religious freedom, among other things. The detentions sparked a larger protest resulting in the detention of at least 10 more nuns. "Tibet Monks Disrupt Tour by Journalists," Associated Press, reprinted in New York Times (Online), 27 March 08. On March 27, a group of Jokhang Temple monks shouted that there was no religious freedom when a group of international journalists on a government-handled tour visited the temple.

<sup>16</sup> International Campaign for Tibet (Online), "Climate of Fear as Olympic Torch Arrives in Lhasa," 20 June 08. According to ICT, of 125 "separate incidents of dissent" that the organization documented, "47 have been carried out by monks, 44 by laypeople, and 28 by both monks and laypeople."

<sup>17</sup> The Dalai Lama is the foremost religious teacher of the Gelug tradition of Tibetan Buddhism, whose adherents at present are more numerous than those of other traditions of Tibetan Buddhism such as the Nyingma, Kargyu, and Sakya. The Crisis in Tibet: Finding a Path to Peace, Hearing of the Subcommittee on Asian and Pacific Affairs, Committee on Foreign Relations, U.S. Senate, 23 April 08, Written Statement Submitted by John Negroponte, Deputy Secretary of State. Deputy Secretary Negroponte described the Dalai Lama as "the undisputed spiritual leader of the Tibetan people," and "the spiritual leader of the vast majority of Tibetans."

<sup>18</sup> See, for example, Tibetan Centre for Human Rights and Democracy (Online), "Mobile Phone Pictures Depict Intensity of Demonstration in Amdo Labrang," 14 March 08. A protest demonstration by Labrang Tashikhyil monks "eventually grew into thousands when laypeople also joined in." Tibetan Centre for Human Rights and Democracy (Online), "At Least Eight Shot Dead in Tongkor Monastery in Kardze," 5 April 08. Approximately 300 Tongkor Monastery monks marching in protest toward government offices were "later joined by hundreds of laypeople." "Tibetans Wounded in Sichuan Protest," Radio Free Asia (Online), 5 April 08. "Local people" joined protesting monks from Nyatso Monastery (referred to as "Mintso" in the article), increasing the crowd to about 1,000 persons.

<sup>19</sup> "Door of Dialogue Still Opens to Dalai: Premier," Xinhua (Online), 18 March 08. "There are ample facts and plenty of evidence to prove that the riot in Lhasa was organized, premeditated, masterminded and incited by the Dalai Lama clique, said Wen."

<sup>20</sup> "Hao Peng: Patriotic Education Should Be Reinforced Among Buddhist Monks at Monasteries," China Tibet News, 5 April 08 (Open Source Center, 10 April 08). Speaking to the Tashilhunpo Monastery Democratic Management Committee, Deputy Party Secretary Hao Peng called on the committee to "educate the masses of monks so that they can see clearly the true colors of Dalai and recognize that Dalai has not been a Buddhist monk since a long time ago but a politician that engages himself in the evil deeds of separating the motherland by means of beating, smashing, looting, and burning under the disguise of a lama and under the signboard of Buddhism . . . ."

<sup>21</sup> Significant factors were Zhang Qingli's arrival in the TAR as Acting Party Secretary in November 2005, his promotion to TAR Party Secretary in May 2006, the TAR government Standing Committee's issuance of the TAR Implementing Measures for the "Regulation on Religious Affairs" in September 2006, and the State Administration for Religious Affairs issuance in July 2007 of the Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism. "Zhang Qingli Becomes New Party Chief of Tibet," Xinhua (Online), 29 May 07; "Xinjiang Communist Party Official Promoted to Acting Secretary of the Tibet Autonomous Region," CECC China Human Rights and Rule of Law Update, January 2006, 19; Tibet Autonomous Region Implementing Measures for the "Regulation on Religious Affairs" (Trial Measures)

[Zizang zizhiq shishi “zongjiao shiwu tiaoli” banfa (shixing)] [hereinafter TAR 2006 Measures], issued 19 September 06, effective 1 January 07; State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huof zhuanshi guanli banfa], issued 13 July 07, effective 1 September 07.

<sup>22</sup> For example, “Chinese Foreign Ministry Says: We Hope the Dalai Will Treasure the Opportunity of Consultation, and Stop his Separatist and Sabotage Activities,” Xinhua, 29 April 08 (Open Source Center, 29 April 08). Ministry of Foreign Affairs spokeswoman Jiang Yu said on April 29, “We hope the Dalai will treasure the opportunity of consultation, stop his violent and criminal activities with concrete actions, stop his activities to interrupt and sabotage the Beijing Olympic Games, and stop his activities to split the motherland so as to create conditions for the next consultation.”

<sup>23</sup> “Dalai Lama, Wolf in Human Shape,” China Tibet News, 21 March 08 (Open Source Center, 24 March 08).

<sup>24</sup> “Unifying the Masses’ Hearts and Will To Fight a People’s War Against Separatism and To Maintain Stability: The Tibet Autonomous Region Holds a VideoTelephone Conference on Handling the ‘3.14 Incident’ and Maintaining the Region’s Stability; Zhang Qingli Gives Important Speech,” China Tibet News, 19 March 08 (Open Source Center, 19 March 08).

<sup>25</sup> “State Councilor and Minister of Public Security Meng Jianzhu Heads Central Work Team on Tibet Inspection,” China Tibet News, 25 March 08 (Open Source Center, 25 March 08). Meng Jianzhu said, “[W]e must continue to deepen education in patriotism in the monasteries and temples, and unfold in depth there propaganda and education in the ethnic and religious policies and the legal system . . . .” “Hongyuan Begins ‘Maintaining Stable Thinking Among the Masses’ Educational Campaign,” Sichuan News, 27 March 08 (Open Source Center, 27 March 08). OSC summary: officials in Hongyuan County began a campaign to show herdsmen and local farmers the “truth” of the March 14 events in Lhasa. “Qiang Wei Stresses the Importance of Resolutely and Unswervingly Struggling Against Separatism, Safeguarding Stability, and Promoting Unity,” Qinghai Daily, 29 March 08 (Open Source Center, 1 April 08) (“We should continuously step up the education campaign and extensively reveal the true features of the Dalai clique in separating the motherland and sabotaging national unity. We should carry on legal system education with a great fanfare. We should make more efforts in providing public opinion guidance.”); Jill Drew, “In Tibetan Monasteries, the Heavy Hand of the Party,” Washington Post (Online), 6 April 08 (“After widespread protests swept the Tibetan plateau last month, Chinese leaders responded with a combination of arrests, interrogations and vigorous education campaigns”); Tibetan Centre for Human Rights and Democracy (Online), “12 Monks of Dingri Shelkar Choedhe Monastery Arrested for Opposing the ‘Patriotic Re-education’ Campaign,” 31 May 08 (“The stipulated two-months’ renewed “Patriotic re-education” campaign launched at the beginning of April following unprecedented protests across Tibetan plateau since 10 March, not only permeates the monastic institutions but also government employees, security forces, farmers, nomads, private entrepreneurs and educational institutions.”).

<sup>26</sup> See, for example, Woeser (Oezer), “Woeser: Tibet Update (May 1–6, 2008),” China Digital Times (Online), last visited 4 June 08. April 30, Gonsar Monastery, Dege county, Ganzi (Kardze) TAP, Sichuan province: “[T]he work team force the monks to sign their names in the official document entitled “Expose and Criticize the Dalai Separatist Clique”, and also demanded each monk to hand in two photos to paste on the document.” Woeser, “Tibet Update (2),” China Digital Times (Online), last visited 12 June 08. April 12, Ganzi TAP: officials told “religious leaders and other figures” attending “emergency meetings” in Ganzi’s 18 counties to sign documents “opposing the Dalai Lama.”

<sup>27</sup> See, for example, “Personalities From All Walks of Life in Qinghai Province Strongly Condemn Lhasa Violent Crime Incident,” Qinghai Daily, 1 April 08 (Open Source Center, 7 April 08). “Cadre conferences, meetings of villagers, seminars of non-Party personages, and seminars of religious figures have been convened in various locations in our province in recent days, to continue to expose and criticize the Dalai Lama clique’s reactionary nature and its monstrous crimes which disrupt stability in Tibet.” “Update for Friday, 4 April 08,” Tibetan Government-in-Exile (Online), 4 April 08. April 2, Bathang Choede Monastery, Batang (Bathang) county, Ganzi (Kardze) TAP, Sichuan province: officials pressured 200 monks to sign a statement alleging that the Dalai Lama “was responsible for inciting the recent demonstrations in Tibet.” The monks refused to sign the document, resulting in an argument with officials that led to the detention of five monks, including abbot Jigme Dorje and disciplinarian Yeshe.

<sup>28</sup> “China Publishes Evidences of Dalai Clique’s Masterminding of Riots,” Xinhua (Online), 1 April 08. “Solid facts showed that the unrest in Lhasa, the capital of southwest China’s Tibet Autonomous Region, was organized, premeditated, masterminded and instigated by the Dalai clique and its ‘Tibet independence forces.’” Subsequently, the ‘Tibet independence’ forces in the United States proposed the idea of the ‘Tibetan People’s Uprising Movement.’ Senior officials of the Dalai clique studied and approved the plan. They believed that 2008 would be their last chance to achieve ‘Tibet independence’ and decided to use the ‘favorable opportunity’ before the Olympics to stage sabotage activities in the Tibetan-inhabited areas in China.”

<sup>29</sup> Tibetan People’s Uprising Movement (Online), “Press Release: Launch of the Tibetan People’s Uprising Movement,” 4 January 08. TPUM was established in January 2008 as “a new co-ordinated Tibetan resistance effort in the lead up to the 2008 Beijing Olympics.” The alliance consists of five Tibetan organizations: the TYC, the Tibetan Women’s Association, the Gu Chu Sum Movement of Tibet (an organization established by former Tibetan political prisoners), the National Democratic Party of Tibet, and the India chapter of Students for a Free Tibet. TYC President Tsewang Rigzin described TPUM as “a unified movement to bring about an end to Chinese rule in Tibet.”

<sup>30</sup> Tibetan Youth Congress (Online), “About Us,” last visited 3 June 08. The TYC was established in October 1970. Among the four “tasks” assigned to TYC members are, “To dedicate oneself to the task of serving one’s country and people under the guidance of His Holiness the Dalai Lama, the Spiritual and Temporal Ruler of Tibet,” and, “To struggle for the total independence

of Tibet even at the cost of one's life." (The TYC does not, however, accept the Dalai Lama's guidance on seeking "genuine autonomy" for "Tibet" under Chinese sovereignty, nor does the TYC expressly disavow the use of violence in the campaign for independence.)

<sup>31</sup> Office of His Holiness the Dalai Lama (Online), "His Holiness's Middle Way Approach For Resolving the Issue of Tibet," last visited 3 June 08.

<sup>32</sup> Tibetan People's Uprising Movement (Online), "Background," last visited 16 September 08.

<sup>33</sup> "China Publishes Evidences of Dalai Clique's Masterminding of Riots," Xinhua. "To implement the 'Tibetan People's Uprising Movement,' the 'Tibetan Youth Congress' and other 'Tibet independence' organizations held two training classes on how to carry out violent, terrorist activities."

<sup>34</sup> The English language version of the Xinhua report attributed the monks' actions to "the Dalai Lama." The Chinese language version, however, attributed the monks' actions to "the Dalai clique." Substituting "Dalai Lama" in the English language version for "Dalai clique" in the original Chinese version indicates the level of state-run media interest in associating nominally "terrorist" events with the Dalai Lama, especially in international (English) reporting, whether or not there is a factual basis for doing so. "Police in Tibet Arrest 16 Monks as Bombing Suspects," Xinhua (Online), 5 June 08; "Individual Monks in Changdu Area Carried Out Bombings To Echo the '14 March' Incident. Public Security Organs in Tibet Cracked Three Cases in a Row and Daunted the 'Tibet Independence' Forces," Xinhua, 5 June 08 (Open Source Center, 6 June 08).

<sup>35</sup> "Tibetans Jailed For Blasts," Radio Free Asia (Online), 2 October 08. According to the article, the court sentenced four Oezer (Oser) Monastery monks and a total of five monks from Gonsar Monastery and Khenpa Lung Monastery to imprisonment for involvement in setting off a series of small explosions in Mangkang (Markham) county. An official told RFA that the blasts caused no casualties and minimal damage to government property.

<sup>36</sup> Terry Friel, "Dalai Lama Rejects Tibetan Buddhist Praise of China," Reuters (Online), 29 December 05.

<sup>37</sup> "Think Like a Mosquito—Lhasang," Phayul (Online), 25 February 07; Tibetan Youth Congress (Online), "Lhasang Tsering" [short bio], last visited 2 August 07. Lhasang Tsering served as TYC President from 1986 to 1990.

<sup>38</sup> Office of His Holiness the Dalai Lama (Online), "Statement of His Holiness the Dalai Lama to All Tibetans," 6 April 08.

<sup>39</sup> Ibid. On the Olympics, the Dalai Lama said, "I have from the very beginning supported the holding of these Games in Beijing. My position on this remains unchanged. I feel the Tibetans should not cause any hindrance to the Games."

<sup>40</sup> Office of the Special Coordinator for Tibetan Issues, U.S. Department of State, Report on Tibet Negotiations, April 2008. The Report is mandated by Section 611 of the Foreign Relations Authorization Act, 2003.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> H.R. Con. Res. 196, 110th Cong. (2007) ("Authorizing the use of the Rotunda and grounds of the Capitol for a ceremony to award the Congressional Gold Medal to Tenzin Gyatso, the Fourteenth Dalai Lama.") The House Concurrent Resolution provided for the award ceremony to take place in the Capitol Rotunda, and for the Capitol grounds to be available for a public event sponsored by the International Campaign for Tibet.

<sup>44</sup> S. 2784, Fourteenth Dalai Lama Congressional Gold Medal Act, The Library of Congress (Online), enacted 27 September 06; International Campaign for Tibet (Online), "U.S. Congress Passes Bill To Award the Dalai Lama the Congressional Gold Medal: Bill Cosponsored by 387 Members of U.S. House and Senate," 13 September 06. The bill was introduced as S. 2782 by Senators Dianne Feinstein and Craig Thomas, and as H.R. 4562 by Representatives Ileana Ros-Lehtinen and Tom Lantos.

<sup>45</sup> "Dalai Lama's Envoy To Begin China Visit on May 3," Congressional-Executive Commission on China (Online), 4 May 08. The report lists the six previous sessions of dialogue: September 2002, May–June 2003, September 2004, June–July 2005, February 2006, and June–July 2007. All of them took place in China except in 2005, when the envoys met their counterparts in Bern, Switzerland.

<sup>46</sup> "Statement by Special Envoy of His Holiness the Dalai Lama, Kasur Lodi Gyaltzen Gyari," Tibetan Government-in-Exile (Online), 8 May 08.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Office of His Holiness the Dalai Lama (Online), "Statement of His Holiness the Dalai Lama to All Tibetans," 6 April 08.

<sup>51</sup> "Full Transcript of Interview with the Dalai Lama," Financial Times (Online), 25 May 08. In response to the question, "What are your priorities for these talks?" the Dalai Lama said, "Stop the arrests, and release [the arrested]." To the question, "[I]f there were one or two gestures or concrete gestures that the Chinese could make, what would they be, to pass your test?" the Dalai Lama responded, "Then stop, inside Tibet, arresting and torture. This must stop. And then they should bring proper medical facilities. And most important, international media should be allowed there, should go there, and look, investigate, so the picture becomes clear."

<sup>52</sup> "President Hu: Next Contact With Dalai Lama To Be Held at Appropriate Time," Xinhua (Online), 7 May 08.

<sup>53</sup> "Statement by Special Envoy of His Holiness the Dalai Lama, Kasur Lodi Gyaltzen Gyari," Tibetan Government-in-Exile (Online), 5 July 08.

<sup>54</sup> "The Responsible Person of the Central United Front Work Department Answers Xinhua Reporter's Questions on the Recent Contact with Dalai Lama's Personal Representatives," Xinhua, 6 July 08 (Open Source Center, 7 July 08).

<sup>55</sup>“China Demands That the Dalai Lama Fulfill Additional Preconditions to Dialogue,” Congressional-Executive Commission on China (Online), 30 July 08. The Dalai Lama has expressed support for the 2008 Beijing Olympic Games; he counsels Tibetans not to engage in violent activity; he does not lead the Tibetan Youth Congress (which does not support the Dalai Lama’s Middle Way Approach); he seeks “genuine autonomy,” not independence. The Dalai Lama’s Special Envoy said in his July 5, 2008, statement that the envoys “categorically rejected the Chinese attempt to label [the TYC] as a violent and terrorist organization.”

<sup>56</sup>“The Responsible Person of the Central United Front Work Department Answers Xinhua Reporter’s Questions on the Recent Contact with Dalai Lama’s Personal Representatives,” Xinhua. “Comrade Du Qinglin raised in clear-cut terms a requirement of ‘four no support’s’ for Dalai; in other words, if Dalai Lama truly wished to do something useful for the country, the nation, and the well-being of the Tibetan people in his remaining years, he should give an open and explicit promise and take corresponding actions in the forms of giving no support for activities that aimed to disturb and sabotage the Beijing Olympic Games, giving no support for and making no attempt to conspire and incite violent criminal activities, giving no support for and taking earnest steps to check the violent terrorist activities of the ‘Tibetan Youth Association,’ and giving no support for any [propositions] or activities that sought to achieve ‘Tibet independence’ and split the motherland.”

<sup>57</sup>“Beijing Holds Talks With Dalai’s Representatives,” Xinhua, reprinted in China Daily (Online), 3 July 08.

<sup>58</sup>“China Demands That the Dalai Lama Fulfill Additional Preconditions to Dialogue,” Congressional-Executive Commission on China. For example, Chinese government pressure on the Dalai Lama to take action against “propositions or activities” in support of Tibetan independence is important because Chinese government targets are not limited to plans or activities that include violence—Chinese targets include a point of view and the peaceful expression of it. Many of the countries where Tibetans live, including India, have constitutions that protect the freedom of speech and governments that strive to respect that freedom.

<sup>59</sup>“The Responsible Person of the Central United Front Work Department Answers Xinhua Reporter’s Questions on the Recent Contact with Dalai Lama’s Personal Representatives,” Xinhua.

<sup>60</sup>“Statement by Special Envoy of His Holiness the Dalai Lama, Kasur Lodi Gyaltzen Gyari.” Tibetan Government-in-Exile.

<sup>61</sup>“Tibet Update (1),” China Digital Times (Online), last visited on 18 June 08. Drepung monks “joined the peaceful demonstration, demanding the freedom for religious belief.” “Ethnic Unrest Continues in China,” New York Times (Online), 5 April 08. “Tibet was shaken by protests last month by Buddhist monks demanding religious freedoms.”

<sup>62</sup>Some of the protests reportedly involved hundreds or even thousands of monks. “The Dalai Clique’s Scheme To Undermine Tibet’s Social Stability Is Doomed to Failure,” Xinhua, 16 March 08 (Open Source Center, 17 March 08). Reports that 300 Drepung Monastery monks protested in Lhasa on March 10. “Chinese Police Fire Tear-Gas at Protesting Tibetan Monks,” Radio Free Asia (Online), 12 March 08. Reports that an estimated 500–600 Sera Monastery monks protested in Lhasa on March 11. International Campaign for Tibet (Online), “Protests Spread Throughout Tibet: Thousands Gather in Towns and Monasteries,” 16 March 08. Reports that more than 1,000 Kirti Monastery monks protested in Aba county (Aba Tibetan and Qiang Autonomous Prefecture, Sichuan Province) on March 16. (Rioting also took place at the same location on the same date.)

<sup>63</sup>See, e.g., Tibetan Centre for Human Rights and Democracy (Online), “Provisional List of Known Tibetan Arrestees—Updated on 25 April [2008].” Of the 518 persons named on the list, 232 are monks (none are nuns). (Chinese authorities reportedly detained a substantial number of monks and nuns in the period following the publication date of the TCHRD list.)

<sup>64</sup>See, e.g., Jim Yardley, “Tibetans Clash With Chinese Police in 2nd City,” New York Times (Online), 16 March 08. According to a Tibetan in India who spoke by phone to Tibetan protesters in Xiahe county, Gansu province, thousands of protesters on March 16 shouted slogans including, “The Dalai Lama must return to Tibet.” Tibetan Centre for Human Rights and Democracy (Online), “Scores of Tibetans Arrested for Peaceful Protest in Lhasa,” 11 March 08. On March 10 in Guinan (Mangra) county, Qinghai province, a few hundred protesters shouted slogans calling for the Dalai Lama to return to Tibet. Tibetan Centre for Human Rights and Democracy (Online), “Around 40 Middle School Students Arrested in Marthang,” 17 March 08. Approximately 100 Tibetan middle school students in Hongyuan (Kakhog, or Marthang) county, Sichuan Province demonstrated inside the school compound, calling for the return of the Dalai Lama to Tibet.

<sup>65</sup>See, e.g., Tibetan Centre for Human Rights and Democracy (Online), “Protest Erupts After Prayer for Deceased in Drango County,” 25 March 08. More than 400 monks in Luhuo (Draggo) county, Ganzi TAP, Sichuan province, shouted slogans on March 25 including, “Release [the] Panchen Lama.” Tibetan Centre for Human Rights and Democracy (Online), “Hundreds of Tibetans Protested in Chentsa, Malho TAP, Qinghai Province,” 25 March 08. Hundreds of Tibetans protesting on March 22 in Jianza (Chentsa) county, Huangnan (Malho) TAP, Qinghai province, carried photographs of the Dalai Lama and Panchen Lama, and shouted slogans including, “Release the eleventh Panchen Lama Erdeni Gedun Choekyi Nyima.” “Latest Updates on Tibet Demonstrations,” Radio Free Asia (Online), 25 March 08. More than 1,000 monks and other Tibetans shouted slogans on March 18 in Xiahe (Sangchu) county, Gannan (Kanlho) TAP, Gansu province, including, “Release the Panchen Lama.”

<sup>66</sup>See, e.g., “Tibet Update (1),” China Digital Times. The Drepung monks “joined the peaceful demonstration, demanding the freedom for religious belief.” In another protest, several hundred Labrang Tashikhyil monks and ordinary citizens staged a protest march on March 14 and shouted slogans including, “Return us to religion freedom.” Tibetan Centre for Human Rights and Democracy (Online), “China Detains Drakar and Gaden Choeling Nuns in Kardze,” 17 May 08. Two nuns were detained for calling for religious freedom, among other things. The deten-

tions sparked a larger protest resulting in the detention of at least 10 more nuns. "Tibet Monks Disrupt Tour by Journalists," Associated Press, reprinted in New York Times (Online), 27 March 08. On March 27, a group of Jokhang Temple monks shouted that there was no religious freedom when a group of international journalists on a government-handled tour visited the temple,

<sup>67</sup>"A Reader for Advocating Science and Technology and Doing Away With Superstitions" (translated by International Campaign for Tibet in When the Sky Fell to Earth: The New Crackdown on Buddhism in Tibet, 2004). "Conducting patriotic education among the monks and nuns in the monasteries is an important aspect of strengthening the management of religious affairs by the government. . . . Dalai's bloc has never stopped penetrating and engaging in splittist activities in our region under the support of international antagonistic forces. . . . The monks and nuns should be religious professionals who love the country, love religion, obey the discipline, and abide by the law."

<sup>68</sup>See, e.g., Tibetan Centre for Human Rights and Democracy (Online), "12 Monks of Dingri Shelkar Choedhe Monastery Arrested for Opposing the 'Patriotic Re-education' Campaign," 31 May 08; International Campaign for Tibet (Online), "More Than 80 Nuns Detained After Peaceful Protests Continue in Kham," 30 May 08; Tibetan Centre for Human Rights and Democracy (Online), "China Arrests 55 Nuns of Pang-ri Nunnery for Protesting," 17 May 08; Tibetan Centre for Human Rights and Democracy (Online), "China Arrests 16 Monks for Defying 'Patriotic Re-education,'" 15 May 08; Tibetan Centre for Human Rights and Democracy (Online), "Monks of Drepung Monastery Detained During Patriotic Education Campaign," 14 April 08.

<sup>69</sup>"Chronology of Events Surrounding Recognition of 11th Panchen Lama," Tibetan Government-in-Exile, reprinted in World Tibet Network News (Online), 6 August 02.

<sup>70</sup>P. Jeffrey Hopkins, "The Identification of the Eleventh Panchen Lama," University of Virginia, Center for South Asian Studies Newsletter, Fall 1995.

<sup>71</sup>UN Commission on Human Rights (Online), "Summary of Cases Transmitted to Governments and Replies Received," 27 March 06, 24–25. The Special Rapporteur on Freedom of Religion or Belief sent a request to the Chinese government for information about Gedun Choekyi Nyima on June 9, 2005. The Chinese government provided a response on September 7, 2005.

<sup>72</sup>"Official Urges Dalai Lama To Abandon Secessionist," Xinhua, reprinted in China Daily (Online), 29 July 07.

<sup>73</sup>"It Is Both Illegal and Invalid for the Dalai Lama to Universally Identify the Reincarnated Soul Boy of the Panchen Lama," People's Daily, 1 December 95 (Open Source Center, 1 December 95).

<sup>74</sup>See, e.g., Tibetan Centre for Human Rights and Democracy, "Protest Erupts After Prayer for Deceased in Drango County." More than 400 monks in Luhuo (Draggo) county, Ganzi TAP, Sichuan province, shouted slogans on March 25 including, "Release [the] Panchen Lama." Tibetan Centre for Human Rights and Democracy, "Hundreds of Tibetans Protested in Chentsa, Malho TAP, Qinghai Province." Hundreds of Tibetans protesting on March 22 in Jianza (Chentsa) county, Huangnan (Malho) TAP, Qinghai province, carried photographs of the Dalai Lama and Panchen Lama, and shouted slogans including, "Release the eleventh Panchen Lama Erdeni Gedun Choekyi Nyima." "Latest Updates on Tibet Demonstrations," Radio Free Asia. More than 1,000 monks and other Tibetans shouted slogans on March 18 in Xiahe (Sangchu) county, Gannan (Kanlho) TAP, Gansu province, including, "Release the Panchen Lama."

<sup>75</sup>"List of Alternate Members of 17th CPC Central Committee," Xinhua (Online), 21 October 07.

<sup>76</sup>"How Was the Problem Between Religion and Socialism Cracked—Exclusive Interview With Religious Affairs Administration Director Ye Xiaowen," Southern Weekend, 13 March 08 (Open Source Center, 10 April 08).

<sup>77</sup>Ministry of Foreign Affairs (Online), "Did Tibet Become an Independent Country after the Revolution of 1911?" 15 November 00. "In 1792 the twenty-nine-article Imperial Ordinance was issued. It stipulated in explicit terms for the reincarnation of the Living Buddhas in Tibet as well as the administrative, military and foreign affairs." (The edict sought to impose Qing control over religious, administrative, military, fiscal, commercial, and foreign affairs. The edict demanded that the Amban, "Resident Official" representing the imperial court, would have equal status to the Dalai and Panchen Lamas, and function as the supervisor of the Tibetan administration.)

<sup>78</sup>"Chinese-Installed Panchen Lama Pledges To Meet Communist Party Expectations," CECC China Human Rights and Rule of Law Update, January 2006, 3.

<sup>79</sup>PRC Criminal Law, enacted 1 July 79, amended 14 March 97, 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, art. 103 ("organize, plot or carry out the scheme of splitting the State or undermining unity of the country"; "incites others to split the State or undermine unity of the country").

<sup>80</sup>Tibetan and Himalayan Digital Library (Online), "The Periodization of Tibetan History: General Chronology," last visited 18 June 08. Sonam Gyatso (1543–1588), the Third Dalai Lama, was the first person to have the title. The first and second Dalai Lamas were recognized posthumously.

<sup>81</sup>CECC, 2007 Annual Report, 10 October 07, 191–197.

<sup>82</sup>The Dalai Lama is the foremost religious teacher of the Gelug tradition of Tibetan Buddhism, whose adherents are more numerous than those of other traditions of Tibetan Buddhism such as the Nyingma, Kargyu, and Sakya.

<sup>83</sup>Tibet Autonomous Region Implementing Measures for the "Regulation on Religious Affairs" (Trial Measures) [Zizang zizhiqū shishi "zongjiao shiwu tiaoli" banfa (shixing)] [hereinafter TAR 2006 Measures], issued 19 September 06, effective 1 January 07.

<sup>84</sup>State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofo zhuanshi guanli banfa], issued 13 July 07, effective 1 September 07.

<sup>85</sup>"Tibet Procuratorial Organs Carry Out 'Anti-Secession Struggle' Intensively," Tibet Daily, 13 February 08 (Open Source Center, 14 March 08).

<sup>86</sup> Ibid.

<sup>87</sup> Measures for Dealing Strictly With Rebellious Monasteries and Individual Monks and Nuns [hereinafter Ganzi Measures], Order from the People's Government of Ganzi Tibetan Autonomous Prefecture, No. 2, issued 28 June 08 with immediate effect, translated from Tibetan language in International Campaign for Tibet (Online), "New Measures Reveal Government Plan To Purge Monasteries and Restrict Buddhist Practice," 30 July 08.

<sup>88</sup> International Campaign for Tibet (Online), "Tibet at a Turning Point: The Spring Uprising and China's New Crackdown," 5 August 08, 3, 22–23. ICT states that the actual number of protests is certain to be higher than 125.

<sup>89</sup> Ibid.

<sup>90</sup> Sichuan Province Party Committee Policy Research Office, "Improve Capacity to Resolve Minority Issues, Make Efforts to Build a Harmonious Ganzi," 10 August 05. According to the Sichuan Province Party Committee Policy Research Office, August 10, 2005 report, there are 515 Tibetan Buddhist monasteries in Ganzi Prefecture and 37,916 monks and nuns, which represent 4.49 percent of the prefecture's total population. "Facts and Figures of Tibetan Development," Xinhua (Online), 27 March 08. In comparison, there are 46,000 Tibetan Buddhist monks and nuns in the entire TAR. CECC Staff Interview, September 2003. According to a Chinese official, there are approximately 21,000 monks and nuns in Qinghai province.

<sup>91</sup> The current period of Tibetan political activism began on September 27, 1987, when 21 monks from Drepung Monastery staged a peaceful protest march in Lhasa, calling for Tibetan freedom. It was the first Tibetan political protest in China in the post-Cultural Revolution period that was internationally reported.

<sup>92</sup> As of October 31, 2008, the Commission's Political Prisoner Database (PPD) contained records of 2,534 Tibetan political prisoners detained or imprisoned since 1987. Of those 2,534 Tibetan political prisoners and detainees, 543 are known or believed to be currently detained or imprisoned. The rest are known or believed to have been released or to have escaped or died. Of the 2,534 Tibetans who became political prisoners or detainees since 1987, 321 of them were residents of Ganzi Tibetan Autonomous Prefecture (TAP), according to PPD information. Of the 321 Tibetan residents of Ganzi TAP who became political prisoners or detainees since 1987, 199 of them are known or believed to be currently detained or imprisoned. Of the 199 Tibetan residents of Ganzi TAP who are known or believed to be currently detained or imprisoned, 179 of them have been detained during the period beginning March 10, 2008. Due to the large number of detentions of Tibetan protesters since March 10, 2008, and a lack of complete information about the detentions, the PPD does not contain information on a large number of Tibetans detained since that date.

<sup>93</sup> International Campaign for Tibet, "New Measures Reveal Government Plan To Purge Monasteries and Restrict Buddhist Practice."

<sup>94</sup> Regulation on Religious Affairs (RRA) [Zongjiao shiwu tiaoli], issued 30 November 04, translated on the Web site of China Elections and Governance.

<sup>95</sup> Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism, issued 13 July 07.

<sup>96</sup> Ganzi Measures, art. 7, provides for the demolition of monastic residential quarters under certain circumstances. Ganzi Measures, art. 9, provides for revocation of a monastery or nunnery's registration followed by closure of the monastery or nunnery under certain circumstances.

<sup>97</sup> Ganzi Measures, art. 12, provides for stripping a trulku of "the right to hold the incarnation lineage."

<sup>98</sup> PRC Constitution, art. 4 ("The people of all nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own ways and customs."), arts. 112–122.

<sup>99</sup> PRC Regional Ethnic Autonomy Law [hereinafter REAL], enacted 31 May 84, amended 28 February 01. The REAL's Preamble asserts that the ethnic autonomy system "reflects the state's full respect for and guarantee of ethnic minorities' right to administer their internal affairs" and gives "full play to ethnic minorities' enthusiasm for being masters over their own affairs."

<sup>100</sup> REAL, Preamble, "Regional ethnic autonomy reflects the state's full respect for and guarantee of ethnic minorities' right to administer their internal affairs and its adherence to the principle of equality, unity and common prosperity for all nationalities."

"Regional ethnic autonomy has played an enormous role in giving full play to ethnic minorities' enthusiasm for being masters over their own affairs, in developing among them a socialist relationship of equality, unity and mutual assistance, in consolidating the unification of the country and in promoting socialist construction in the ethnic autonomous areas and the rest of the country."

<sup>101</sup> State Council Information Office, White Paper on Building of Political Democracy in China [Zhongguo de minzhuzhengzhi jianshe], 19 October 05. "Democratic centralism is the fundamental principle of organization and leadership of state power in China. When democratic centralism is practiced, it requires that we give full play to democracy and discuss matters of concern collectively, so that people's wishes and demands are fully expressed and reflected. Then, all the correct opinions are pooled, and decisions are made collectively so that the people's wishes and demands are realized and met. The practice of democratic centralism also requires that 'the majority be respected while the minority is protected.' We are against the anarchic call for 'democracy for all,' and against anybody placing his own will above that of the collective."

<sup>102</sup> REAL, art. 7. "Institutions of self-government in ethnic autonomous areas shall place the interests of the state as a whole above all else and actively fulfill all tasks assigned by state institutions at higher levels."

<sup>103</sup> PRC Constitution, art. 62(12), 89(15). (Only the National People's Congress (NPC) and State Council have the constitutional authority to approve the establishment of autonomous regions, prefectures, and counties, and to alter their boundaries.)

<sup>104</sup> REAL, art. 19. "The people's congresses of ethnic autonomous areas shall have the power to enact self-governing regulations and separate regulations in the light of the political, eco-

nomic and cultural characteristics of the nationality or nationalities in the areas concerned. . . ." PRC Constitution, art. 116. "People's congresses of national autonomous areas have the power to enact autonomy regulations and specific regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned."

<sup>105</sup> PRC Legislation Law, enacted 15 March 00, art. 9. "In the event that no national law has been enacted in respect of a matter enumerated in Article 8 hereof, the [NPC] and the Standing Committee thereof have the power to make a decision to enable the State Council to enact administrative regulations in respect of part of the matters concerned for the time being, except where the matter relates to crime and criminal sanctions, the deprivation of a citizen's political rights, compulsory measure and penalty restricting the personal freedom of a citizen, and the judicial system."

<sup>106</sup> REAL, art. 20. "If a resolution, decision, order, or instruction of a state agency at a higher level does not suit the actual conditions in an ethnic autonomous area, an autonomous agency of the area may report for the approval of that higher level state agency to either implement it with certain alterations or cease implementing it altogether. . . ."

<sup>107</sup> PRC Legislation Law, art. 66. ". . . An autonomous decree or special decree may vary the provisions of a law or administrative regulation, provided that any such variance may not violate the basic principles thereof, and no variance is allowed in respect of any provision of the Constitution or the Law on Ethnic Area Autonomy and provisions of any other law or administrative regulations which are dedicated to matters concerning ethnic autonomous areas."

<sup>108</sup> Andrew Martin Fischer, "From Labour Polarisation to Urban Employment Exclusion," in A Theory of Polarisation, Exclusion and Conflict within Disempowered Development: The Case of Contemporary Tibet in China (Thesis with London School of Economics, November 2007). Dr. Fischer conducted fieldwork in the TAR and Qinghai, Gansu, and Sichuan provinces.

<sup>109</sup> Ibid., 30–31.

<sup>110</sup> TAR Regulations on the Study, Use and Development of the Tibetan Language, adopted July 9, 1987, by the Fifth Session of the Fourth TAR People's Congress, and amended on May 22, 2002, by the Fifth Session of the Seventh TAR People's Congress, arts. 3–5. In 2002, the TAR People's Congress revised the 1987 TAR Regulations on the Study, Use, and Development of the Tibetan Language, ending the precedence of the Tibetan language by authorizing the use of "either or both" of Mandarin and Tibetan languages in most areas of government work.

<sup>111</sup> Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, Country Reports on Human Rights Practices—2007, China (includes Tibet, Hong Kong, and Macau), 11 March 08. "In middle and high schools—even some officially designated as Tibetan schools—teachers often used Tibetan only to teach classes in Tibetan language, literature, and culture and taught all other classes in Chinese."

<sup>112</sup> CECC, 2006 Annual Report, 20 September 06, 169, citing Ma Rong and Tanzen Lhundup, "Temporary Migrants in Lhasa in 2005," Section IV(4.8), Table 14. Based on a survey published by Chinese academics Ma Rong and Tanzen Lhundup, the rate of illiteracy among Tibetan migrants (32.3 percent) was almost 10 times higher than for Han migrants (3.3 percent), and Han migrants were better prepared to secure jobs that require skills learned in junior or senior middle school. Of the migrants surveyed, Han reached junior or senior middle school at about twice the rate of Tibetans: 53.7 percent of Han compared to 26 percent of Tibetans reached junior middle school, and 19.4 percent of Han compared to 9 percent of Tibetans reached senior middle school.

<sup>113</sup> Andrew Martin Fischer, "Educating for Exclusion in Western China: Structural and Institutional Foundations of Conflict in the Tibetan Areas of Qinghai," CRISE Working Paper, Oxford: Centre for Research on Inequality, Security and Ethnicity, Queen Elizabeth House, 2008 (forthcoming). Dr. Fischer conducted field work in Qinghai province.

<sup>114</sup> Li Dezhu, "Large-Scale Development of Western China and China's Nationality Problem," Seeking Truth, 15 June 00 (Open Source Center, 15 June 00). Li Dezhu (Li Dek Su) addresses the social and ethnic implications of the program that Jiang Zemin launched in 1999. Li states that the program is intended to "accelerate economic and social development of the western region and the minority nationality regions in particular."

<sup>115</sup> "Qinghai-Tibet Railway Ready for Operation on July 1," Xinhua (Online), 29 June 06. Zhu Zhensheng, the vice director of an office managing the railway, said that the railway startup is one year ahead of schedule due to "good construction, environment, and safety conditions."

<sup>116</sup> "Qinghai-Tibet Railway Statistics Add to Confusion, Mask Impact on Local Population," CECC China Human Rights and Rule of Law Update, February 2008, 4.

<sup>117</sup> "Province To Be Transport Hub," China Daily (Online), 23 January 08. Sichuan province Governor Jiang Jufeng and Party Secretary Liu Qibao signed an agreement on January 10, 2008, with Minister of Railways Liu Zhijun to include the "Sichuan-Tibet railway" in the national railway network plan.

<sup>118</sup> Ibid.

<sup>119</sup> "Qinghai-Tibet Railway To Get Six New Lines," China Daily (Online), 17 August 08. "The six new tracks include one from Lhasa to Nyingchi [Linzhil] and one from Lhasa to Xigaze [Rikaze], both in the Tibet autonomous region. Three tracks will originate from Golmud in Qinghai province and run to Chengdu in Sichuan province, Dunhuang in Gansu province, and Kuerle [Ku'erle] of the Xinjiang Uygur Autonomous Region. The sixth will link Xining, capital of Qinghai, with Zhangye in Gansu."

<sup>120</sup> CECC China Human Rights and Rule of Law Update, September 2006, 14; "Government Announces Extension of Qinghai-Tibet Railway to Rikaze," Congressional-Executive Commission on China (Online), 28 August 06.

<sup>121</sup> CECC staff map analysis. A more northerly Golmud-Chengdu route could traverse southern portions of Hainan (Tsolho) and Huangnan (Malho) TAPs in Qinghai province and Gannan (Kanlho) TAP in Gansu province before entering Aba Tibetan and Qiang Autonomous Prefecture in Sichuan province.

<sup>122</sup>Tabulation on Nationalities of 2000 Population Census of China, Department of Population, Social, Science and Technology Statistics, National Bureau of Statistics, and Department of Economic Development, State Ethnic Affairs Commission (Beijing: Ethnic Publishing House, September 2003), Table 10-4. Based on official 2000 census data, Tibetans made up 91.6 percent of the Guoluo TAP population (126,395 Tibetans among 137,940 total population) and 97.1 percent of the Yushu TAP population (255,167 Tibetans among 262,661 total population). In Ganzi TAP's three northernmost counties, Dege, Seda (Serthar), and Shiqu (Sershul), Tibetans made up 96.5 percent of the population (162,974 Tibetans among 168,928 total population). In three of the northernmost Aba Tibetan and Qiang Autonomous Prefecture counties—Aba, Ruo'ergai (Dzoegi), and Hongyuan (Marthang, or Kakhog)—Tibetans made up 88 percent of the population (145,706 Tibetans among 165,656 total population).

<sup>123</sup>"Tibet Plans Huge Industrial Investment," Xinhua (Online), 5 September 08. According to the Xinhua report: "Industrial development in Tibet had remained inactive for a long time and the sector only accounted for 7.5 percent of the region's overall gross domestic product last year, official statistics showed. The 22 projects are expected to speed up development of other industrial fields and the comprehensive economic growth."

<sup>124</sup>Ibid. According to the report, of the 21.17 billion yuan total allocated to the 22 projects, "the mining sector will absorb 15.9 billion yuan and the industrial zones will take 3.45 billion yuan."

<sup>125</sup>Ibid.

<sup>126</sup>"Qinghai-Tibet Railway Transports 5.95 Mln Tourists," Xinhua (Online), 8 February 08; CECC, 2006 Annual Report, 167. The 33 billion yuan construction cost was approximately US\$4.12 billion in 2006.

<sup>127</sup>Human Rights Watch (Online), "'No One Has the Liberty To Refuse'—Tibetan Herders Forcibly Relocated in Gansu, Qinghai, Sichuan, and the Tibet Autonomous Region," 11 June 07.

<sup>128</sup>For example, incidents of political protest were reported in nomadic areas such as Banma (Pema), Jiužhi (Chigdril), and Dari (Darlag) counties in Guoluo (Golog) TAP, Qinghai province. "Latest Updates on Tibet Demonstrations," Tibetan Government-in-Exile (Online), 26 March 08. Banma county: "After the arrival and the subsequent tight restrictions by Chinese military forces in Pema County, a protest was held during which the people demanded concrete results in the Sino-Tibetan dialogue. The same evening in Pachen, Pangrue and Markhog villages, Tibetans held peaceful demonstrations." "Latest Updates on Tibet Demonstrations," Tibetan Government-in-Exile (Online), 23 March 08. Jiužhi county: "Around 500 monks and lay people from Palyul village are holding a sit-down on a hill-top to demand that Karwang Nyima Rinpoche (Dharthang Monastery head) not be harassed by the Chinese military. The people have also demanded the United Nations, U.S. and other countries intervene to resolve the issue." "Latest Updates on Tibet Demonstrations," Tibetan Government-in-Exile (Online), 22 March 08. Dari county: "Around 200 protesters (including many horsemen) held protests in Toema and Meyma villages."

<sup>129</sup>The current period of Tibetan political activism began on September 27, 1987, when 21 monks from Drepung Monastery staged a peaceful protest march in Lhasa, calling for Tibetan freedom. It was the first Tibetan political protest in China in the post-Cultural Revolution period that was internationally reported.

<sup>130</sup>Tibetan Centre for Human Rights and Democracy (Online), "Tensions Are High as the Olympic Torch Arrives in Lhasa," 20 June 08. TCHRD reports that it "has recorded the arrests or arbitrary detention of more than 6,500 Tibetans." (The report provides no information about whether or not, and to what extent, this figure includes more than 4,000 Tibetans whom official Chinese news media reported surrendered or were detained by police in connection to alleged rioting.)

<sup>131</sup>"Latest Casualty Figures in Tibet," Tibetan Government-in-Exile (Online), 21 August 08. "Update on Death Toll from Tibet Demonstrations," Tibetan Government-in-Exile (Online), 26 March 08. The report lists the first 40 names published by the TGIE of Tibetans allegedly killed by Chinese security forces.

<sup>132</sup>Tibetan Centre for Human Rights and Democracy, "Tensions Are High as the Olympic Torch Arrives in Lhasa."

<sup>133</sup>"Update on Tibet, 1 May 2008," Tibetan Government-in-Exile (Online), 1 May 08. The report alleges that on March 28, Chinese security forces cremated "around 83 corpses" in a crematorium in Duilongdeqin county near Lhasa in an attempt to destroy "evidence related to the recent protests." The report described the corpses as "dead bodies of people who have been killed since the March 14 protest in Tibet," but did not disclose how the location, time, or cause of any of the deaths was established reliably.

<sup>134</sup>"Update on Tibet Demonstration," Tibetan Government-in-Exile (Online), 16 March 08.

<sup>135</sup>"Governor Denies Use of Lethal Force in Lhasa Riot," Xinhua, reprinted in China Daily (Online), 17 March 08. "Throughout the process, [security forces] did not carry or use any destructive weapons, but tear gas and water cannons were employed," Jampa Phuntsog told reporters in Beijing.

<sup>136</sup>"Complete One-Week Update on Tibet Protests," Tibetan Government-in-Exile (Online), 18 March 08. The TGIE reports 3 Tibetans shot and killed and 10 others shot and injured.

<sup>137</sup>Tibetan Centre for Human Rights and Democracy (Online), "Middle School Student Shot Dead in Ngaba County," 19 March 08. "At least 23 people including as young as 16 years old student, Lhundup Tso, were confirmed dead following Chinese Armed police shot many rounds of live ammunitions into the protesters . . . ."

<sup>138</sup>International Campaign for Tibet (Online), "Monks, Nomads Protest as Demonstrations Spread Across Entire Tibetan Plateau," 19 March 08. On March 16 protesters stoned government offices and burned a police station and vehicles before 11 truckloads of security personnel "suppressed the protests." "The number of casualties was unclear, although one source that could not be confirmed indicated there could be as many as 19 deaths." "Latest Update on Tibet Protests," Tibetan Government-in-Exile (Online), 18 March 08. In a report dated March 18, and

beneath the subheading “18th March, 2008,” the TGiE report states, “During the protest in Machu County that continued from yesterday, People’s Armed Police (PAP) shot dead nineteen peaceful protesters this morning as confirmed by a source.” TibetInfoNet (Online), “The World Will Not Look Away: Demonstrations in Amdo Machu and Region,” 19 March 08. TibetInfoNet, like the ICT report, reported that the protest took place on March 16, resulted in significant property destruction, and was suppressed by 11 truckloads of security personnel. But, according to TibetInfoNet, no casualties were reported.

<sup>139</sup>Tibetan Centre for Human Rights and Democracy (Online), “At Least Three Tibetans Shot Dead in Kardze Protest,” 18 March 08. According to the report, security forces firing indiscriminately shot and killed three Tibetans and injured 15 more when hundreds of Tibetans gathered in the town market and shouted slogans calling for independence and the Dalai Lama’s long life.

<sup>140</sup>Tibetan Centre for Human Rights and Democracy (Online), “One Shot Dead and Another in Critical Condition in Drango Protest,” 24 March 08. According to the report, security officials killed one person and critically wounded another when they fired indiscriminately on about 200 protesters shouting slogans calling for independence and the Dalai Lama’s long life as they marched toward township offices.

<sup>141</sup>“Chinese Police Fire on Tibetan Protesters, Death Toll Unknown,” Radio Free Asia (Online), 4 April 08; Tibetan Centre for Human Rights and Democracy (Online), “At Least Eight Shot Dead in Tongkor Monastery in Kardze,” 5 April 08. According to TCHRD, security forces opened fire on and killed as many as 15 Tibetans, including monks of Tongkor Monastery. A monastic protest supported by local villagers developed after monks refused to cooperate with officials conducting “patriotic education,” and the officials responded by detaining an elderly monk.

<sup>142</sup>“Tibetans Wounded in Sichuan Protest,” Radio Free Asia (Online), 5 April 08; “Troops Settle Down in China’s Restive Sichuan,” Radio Free Asia (Online), 5 April 08. Ordinary Tibetans joined monks of Nyatso Monastery in a peaceful procession to protest the deaths of Tibetans killed during recent protests. Security forces opened fire on the protesters at crossroads when officials allowed monks to continue, but not the ordinary Tibetans, who began to chant slogans calling for the Dalai Lama’s long life and objecting to Tibetans’ lack of freedom.

<sup>143</sup>“Dalai Lama Says Will Quit if Violence Out Of Control,” Reuters, reprinted in New York Times (Online), 18 March 08. The Dalai Lama said, “If things become out of control then my only option is to completely resign. . . Please help stop violence from Chinese side and also from Tibetan side.”

<sup>144</sup>Office of His Holiness the Dalai Lama (Online), “Statement of His Holiness the Dalai Lama to All Tibetans,” 6 April 08. “I want to reiterate and appeal once again to Tibetans to practice non-violence and not waver from this path, however serious the situation might be.”

<sup>145</sup>For example, China’s state-run media reported that security forces in Aba county fired on and wounded four Tibetan protesters on March 16. TCHRD reported that security forces fired on and killed at least 23 Tibetans in the Aba protest. Xinhua characterized the incident as a “riot”; TCHRD described it as a “peaceful protest.” “Police: Four Rioters Wounded Sunday in Aba of SW China,” Xinhua (Online), 20 March 08. Police fired on and wounded four rioters “out of self defense,” a police official said. Tibetans “destroyed 15 police vehicles and more than 20 office facilities,” according to the report. Tibetan Centre for Human Rights and Democracy, “Middle School Student Shot Dead in Ngaba County.” TCHRD reports the death of “[at least 23 people] and injuries to ‘scores’ of protesters during ‘the peaceful demonstration.’”

<sup>146</sup>State Council Information Office, “Ministry of Public Security Holds News Conference To Brief the Press on the Latest Situation of Cracking Cases of 14 March Incident and Make Public the Names of Victims,” 1 April 08 (Open Source Center, 2 April 08); “Baby Burned to Death in Lhasa Riot Fire,” China Daily (Online), 24 March 08. “At least 18 civilians and one police officer have been confirmed killed in the unrest in Lhasa, which also saw 382 injured.”

<sup>147</sup>International Campaign for Tibet (Online), “Tibet at a Turning Point: The Spring Uprising and China’s New Crackdown,” 5 August 08, 17, 54. According to the report, on March 14 in Lhasa “Chinese shops were burnt, and Chinese people were beaten severely and killed.” “Transcript: James Miles Interview on Tibet, CNN (Online), 20 March 08. Miles witnessed the March 14 Lhasa riot and told CNN, “What I saw was calculated targeted violence against an ethnic group, or I should say two ethnic groups, primarily ethnic Han Chinese living in Lhasa, but also members of the Muslim Hui minority in Lhasa.” Miles, who did not witness lethal violence, said, “But I can do no more really on the basis of what I saw then say there was a probability that some ethnic Chinese were killed in this violence, and also a probability that some Tibetans, Tibetan rioters themselves were killed by members of the security forces.”

<sup>148</sup>The largest number of political detentions of Tibetans reported internationally as the result of a distinct sequence of political events that took place during the period of the current Chinese Constitution and Criminal Law, and before the cascade of Tibetan protests that began on March 10, 2008, resulted from the Lhasa protests of March 5 to 7, 1989. The Commission’s Political Prisoner Database contains information on fewer than 200 cases of Tibetan political prisoners whose imprisonment may be linked to the March 1989 political events. The Tibet Information Network reported that at least 1,000 Tibetans were detained in connection with the incident. (Tibet Information Network, “A Struggle of Blood and Fire: The Imposition of Martial Law in 1989 and the Lhasa Uprising in 1959,” 25 February 99.)

<sup>149</sup>The current Constitution of the People’s Republic of China is the fourth. The National People’s Congress passed the current Constitution on December 4, 1982; it was most recently amended on March 14, 2004.

<sup>150</sup>The National People’s Congress passed the Criminal Law on July 1, 1979; it was most recently amended on June 29, 2006.

<sup>151</sup>The figures reported below (953, 362, 2,204, 8, 432, 94, and 381) total 4,434 persons who surrendered to security officials or were detained by them during the period March 14 to 19 in the nine county-level areas named in the reports: Lhasa, Linzhou, Aba, Xiahe, Maqu, Luqu,

Zhuoni, Hezuo, and Diebu. "953 Suspects in Lhasa Riots Detained," Xinhua (Online), 9 April 08. TAR government Chairman Jampa Phuntsog told reporters that police had detained "953 people who were suspected of participating in the March 14 violence in Lhasa," and that another 362 persons "delivered themselves to the law enforcement." "Media Tour in Gansu Interrupted, Resumes Soon," Xinhua (Online), 9 April 08. Acting head of the Gannan TAP government told reporters that 2,204 persons (including 519 monks) had surrendered to police in connection with riots in the prefecture, and that police had "formally arrested eight people suspected of participating in the riots and put another 432, including 170 monks, in temporary custody." The report said, "From March 14 to 19, assaults, vandalism, looting and arson occurred in the Xiahe, Maqu, Luqu, [Zhuoni], Hezuo and Diebu areas of Gannan . . ." "94 Criminal Suspects in Linzhou County Surrender Themselves to Justice," Tibet Daily, reprinted in China Tibet News, 19 March 08 (Open Source Center, 19 March 08). "Awe by the powerful legal and policy offensives, 94 criminal suspects in Linzhou County who were involved in serious incidents of beating, smashing, looting, and burning surrendered themselves to justice by 2400 hours on 17 March." "381 Rioters in Aba County Surrender to Police," Xinhua, reprinted in People's Daily (Online), 25 March 08. "A total of 381 people involved in the riots in Aba county of Sichuan Province have surrendered themselves to the police as of Monday [March 17] noon . . . Law enforcement authorities . . . issued a notice . . . urging those who had taken part in the riots on March 16 to submit themselves within ten days."<sup>152</sup>

<sup>152</sup>"953 Suspects in Lhasa Riots Detained," Xinhua; "Media Tour in Gansu Interrupted, Resumes Soon," Xinhua.

<sup>153</sup>"42 Rioters Sentenced to Prison," China Daily (Online), 21 June 08.

<sup>154</sup>Ibid.

<sup>155</sup>"Officials Report Release of More Than 3,000 of the More Than 4,400 Detained Tibetan Rioters" Congressional-Executive Commission on China (Online), 9 July 08.

<sup>156</sup>"953 Suspects in Lhasa Riots Detained," Xinhua (Online), 9 April 08.

<sup>157</sup>"Media Tour in Gansu Interrupted, Resumes Soon," Xinhua (Online), 9 April 08.

<sup>158</sup>"94 Criminal Suspects in Linzhou County Surrender Themselves to Justice," Tibet Daily, reprinted in China Tibet News, 19 March 08 (Open Source Center, 19 March 08).

<sup>159</sup>"381 Rioters in Aba County Surrender to Police," Xinhua, reprinted in People's Daily, 25 March 08.

<sup>160</sup>"42 Rioters Sentenced to Prison," China Daily (Online), 21 June 08.

<sup>161</sup>"Lhasa City People's Procuratorate Gives Permission To Arrest the First Suspect Who Held Up a Reactionary Flag," China Tibet News, 25 March 08 (Open Source Center, 27 March 08). At least 13 monks of a group of 15 monks apprehended while protesting near Lhasa's Jokhang Temple were charged with unlawful assembly. A 14th monk may have been charged with separatism for displaying a Tibetan flag.

<sup>162</sup>"Judgments Pronounced Publicly on Some Defendants Involved in Lhasa's '14 March' Incident," Xinhua, 29 April 08 (Open Source Center, 30 April 08). "Total jailed over Lhasa violence rises to 30," Xinhua (Online), 29 April 08. Three defendants were sentenced to life imprisonment; the rest received sentences to fixed term imprisonment ranging from 3 to 20 years. Monk Pasang, whom authorities accused of leading a group of 10 persons (including 5 monks) in Duilongdeqin county "to destroy the local government office, smash or burn down 11 shops and rob their valuables, and attack policemen on duty," received a life sentence. Two of the monks who "followed" Pasang were sentenced to 20 years in prison; the other three received 15-year sentences.

<sup>163</sup>Ibid.

<sup>164</sup>"Tibet Confident on Security During Olympic Torch Relay," Xinhua (Online), 21 June 08. The article does not name the court ("the local court") or provide details about any of the cases.

<sup>165</sup>Ibid.

<sup>166</sup>"List of Appointments and Removals by the Tibet Autonomous Regional People's Congress Standing Committee," China Tibet News, 30 March 08 (Open Source Center, 30 March 08). Although it is not clear whether or not the reshuffle was linked to the large number of protest- and riot-related cases, all of the appointments were to the Rikaze (Shigatse) and Shannan (Lhoka) prefectural procuratorates and courts, the two locations most easily and quickly reached from Lhasa. It is also possible that the transfers were part of a five-yearly reshuffle coordinated with central government changes.

<sup>167</sup>"No Death Penalty Handed Down So Far Over Lhasa Violence," Xinhua (Online), 11 July 08. The report provided information based on statements by TAR government Executive Chairman Pema Trinley (Palma Trily, Baima Chilie).

<sup>168</sup>Ibid.

<sup>169</sup>Tibetan Centre for Human Rights and Democracy, "Provisional List of Known Tibetan Arrestees—Updated on 25 April 2008."

<sup>170</sup>Tibetan Centre for Human Rights and Democracy (Online), "Olympics and Tibet Under a Cloud of Repression," 7 August 08; "Latest Casualty Figures in Tibet," Tibetan Government-in-Exile.

<sup>171</sup>"Tibetan Monks Still Held in Qinghai," Radio Free Asia (Online), 28 August 08. "The remaining 57 monks from outlying areas were said to have been taken from smaller Lhasa monasteries." (The report did not specify the location of the "outlying areas")

<sup>172</sup>Ibid. Monks from Tibetan areas in Sichuan province ("Kham") "are still being held . . . in Golmud" (Ge'ermu city, a principal city in Qinghai, located on the Qinghai-Tibet railway). "The number of those still in detention [in Golmud] cannot be independently confirmed."

<sup>173</sup>Ibid. RFA described the source of the information as "an authoritative source who spoke on condition of anonymity." (The report did not name any of the monks and provided information of the specific location of relatively few.)

<sup>174</sup>Ibid. The source told RFA, "On April 10 in the afternoon, security forces detained 550 monks from Drepung monastery, took them to the Nyethang Military School, and detained them on the school campus." [Nyethang (Nedang) is a township located in Qushui (Chushur) county,

adjacent to Lhasa city.] “Then, on the night of April 14, a huge contingent of Chinese security forces arrived at Sera monastery and took away about 400 monks and detained them at a military prison in Tsal Gungthang.” [Tsal Gungthang is a township under the administration of Lhasa city.] (Other published reports have referred to detentions of substantial numbers of monks from Drepung and Sera monasteries on or about those dates.)

<sup>175</sup>CECC, 2005 Annual Report, 83. Officials had already been intensifying the “patriotic education” program in Tibetan monastic institutions since 2005.

<sup>176</sup>“In Tibetan Monasteries, the Heavy Hand of the Party,” Washington Post (Online), 3 June 08.

<sup>177</sup>“Successfully Handling the Work of Maintaining Social Stability in All Aspects in a Comprehensive, Deepgoing, and Down-to-Earth Manner,” Tibet Daily, reprinted in China Tibet News, 3 April 08 (Open Source Center, 06 April 08).

<sup>178</sup>“Lhasa’s Education System Makes Constant Efforts To Deepen Education in Patriotism,” Xinhua, 17 July 08 (Open Source Center, 18 August 08). “A total of 3,691 core instructors were specially assigned and properly trained, and 1,057 lecture sessions were held in the course of the drive, attended by 179,476 people. In addition, 219 people took to the floor to tell their story to 94,708 listeners in 193 sessions, and 265 and 718 sessions were held respectively to greet the Beijing Olympics and denounce the criminal conduct of the Dalai separatist clique. Furthermore, 2,533 oath-taking sessions were held for participants to pledge themselves to safeguard the motherland’s unification, oppose ethnic separation . . . [ellipsis as published].”

<sup>179</sup>Campaigns were not limited to Party propaganda on religion, but also included legal, economic, and historical themes emphasizing the well-being of the Tibetan people under the Communist Party and the Chinese government. See, e.g., “China’s Tibetan Affairs Expert Says There Is a Need To Pay Attention to Educating Young Monks of Tibetan Buddhism,” Xinhua, 2 April 08 (Open Source Center, 3 April 08); “Qiang Wei Stresses the Importance of Resolutely and Unswervingly Struggling Against Separatism, Safeguarding Stability, and Promoting Unity,” Qinghai Daily, 29 March 08 (Open Source Center, 1 April 08); “While Conducting Investigation and Studies in Gannan Prefecture, Liu Lijun Stresses Need to Effectively Carry Out in a Down-to-Earth Manner Work on Propaganda and Education in Legal Knowledge at Monasteries of Tibetan Buddhism,” Gansu Daily, 4 April 08 (Open Source Center, 26 April 08).

<sup>180</sup>“Hongyuan Begins ‘Maintaining Stable Thinking Among the Masses’ Educational Campaign,” Sichuan News Net, 27 March 08 (Open Source Center, 27 March 08). OSC summarizes an article on political education in Hongyuan (Kakhog, or Marthang) county in Aba prefecture (where non-violent protests were reported). “Qiang Wei Stresses the Importance of Resolutely and Unswervingly Struggling Against Separatism, Safeguarding Stability, and Promoting Unity,” Qinghai Daily. The Qinghai Party Secretary called for stepping up political education in Huangnan (Malho) TAP (where non-violent protests were reported). “While Conducting Investigation and Studies in Gannan Prefecture, Liu Lijun Stresses Need to Effectively Carry Out in a Down-to-Earth Manner Work on Propaganda and Education in Legal Knowledge at Monasteries of Tibetan Buddhism,” Gansu Daily. A senior Gansu Party official called for propaganda campaigns and tighter control of monasteries in Gannan TAP (where non-violent protests and rioting were reported.)

<sup>181</sup>See, e.g., “A Briefing Meeting on the Work of Safeguarding Stability in Haibei Tibetan Autonomous Prefecture Is Held in Xihai Town on 28 March,” Qinghai Daily, 31 March 08 (Open Source Center, 2 April 08). Senior Party officials in Haibei (Tsojang) TAP (where no protests were reported) detailed efforts to step up political indoctrination.

<sup>182</sup>See, e.g., Tibetan Centre for Human Rights and Democracy (Online), “12 Monks of Dingri Shelkar Choedhe Monastery Arrested for Opposing the ‘Patriotic Re-education’ Campaign,” 31 May 08; International Campaign for Tibet (Online), “More Than 80 Nuns Detained After Peaceful Protests Continue in Kham,” 30 May 08; Tibetan Centre for Human Rights and Democracy (Online), “China Arrests 55 Nuns of Pang-ri Nunnery for Protesting,” 17 May 08; Tibetan Centre for Human Rights and Democracy (Online), “China Arrests 16 monks for Defying ‘Patriotic Re-education,’” 15 May 08; Tibetan Centre for Human Rights and Democracy (Online), “Monks of Drepung Monastery Detained During Patriotic Education Campaign,” 14 April 08.

<sup>183</sup>“Abbots, Lamas Refuse To Denounce Dalai Lama,” Phayul (Online), 30 March 08. Officials in Shiqu (Sershul) county, Ganzi TAP, convened a meeting of senior Tibetan Buddhist figures from the county’s 43 monasteries to launch a patriotic education campaign. The officials said that the Dalai Lama and the Tibetan government-in-exile had masterminded the protests across the Tibetan area of China, and told the monastic representatives to provide critical statements about the protests and to launch signature campaigns criticizing the protests. “China Steps Up Crackdown in Tibet,” Radio Free Asia (Online), 17 April 08. Officials told (apparently senior) Tibetan Buddhist monks attending an April 12 meeting in Kangding, the capital of Ganzi TAP, that, among other things, monks and nuns in the prefecture should denounce the Dalai Lama as a separatist and state that the Dalai Lama and Tibetan government-in-exile were responsible for the “unrest” in Tibetan areas. RFA cited as the source a monk in India who cited monks who attended the meeting. “Tibet Update (3) April 15 – 27,” China Digital Times (Online), last visited 19 June 08. The report refers to an emergency meeting in Ganzi TAP of the heads of all prefecture’s monasteries and of various work units. All the attendees were told to acknowledge that the protest incidents were masterminded by the Dalai clique.

<sup>184</sup>“Update for Friday, 4 April 2008,” Tibetan Government-in-Exile (Online), 4 April 08. Work teams conducting patriotic education pressured 200 monks at Batang Choede Monastery in Batang county, Ganzi TAP, to sign statements supporting the Chinese government position that the Dalai Lama was responsible for inciting the Tibetan protests. All of the monks refused. Officials detained five monks, including the abbot. “Updates on Tibet, 19 April 2008,” Tibetan Government-in-Exile (Online), 19 April 08. Officials summoned villagers to meetings in several locations in Yajiang (Nyagchukha) county, Ganzi TAP, and told them to sign a statement saying that the Dalai Lama had instigated the recent unrest. Some villagers walked out of such meetings.

<sup>185</sup> International Campaign for Tibet (Online), “Mass Detentions of Monks, Suicides and Despair as Enforced Condemnation of Dalai Lama Provokes Dissent,” 29 April 08. The article provides photographic images of defaced images of the Dalai Lama at Kirti Monastery in Aba prefecture. “Tibet Update (3) April 15 – 27,” China Digital Times. The report describes an April 17 search of Rongbo Gonchen Monastery in Huangnan (Malho) TAP: “Next they searched the living quarters of the monks, confiscated the Dalai Lama’s photos and DVDs. They also arbitrarily destroyed[ed] articles, and stole the monks’ possessions.”

<sup>186</sup> “Chinese Police Fire on Tibetan Protesters, Death Toll Unknown,” Radio Free Asia; Tibetan Centre for Human Rights and Democracy, “At Least Eight Shot Dead in Tongkor Monastery in Kardze.”

<sup>187</sup> See, e.g., Tibetan Centre for Human Rights and Democracy, “12 Monks of Dingri Shelkar Choedhe Monastery Arrested for Opposing the ‘Patriotic Re-education’ Campaign.” “[C]ell phones were known to have been confiscated to curb the report of the incident from leaking to the outside world. . . .” “Update on Tibet, 9 May 2008,” Tibetan Government-in-Exile (Online), 9 May 08. Referring to police raid on Rateo Monastery, near Lhasa: “. . . mobile phones belonging to 70 monks’ were confiscated. In addition, the telephone of the monastery was confiscated too.” “Tibet Update (2),” China Digital Times (Online), last visited 15 June 08. Referring to Tongkor Monastery in Ganzi county: “Each room in the monks’ living quarters was searched and all cell phones were confiscated.” International Campaign for Tibet (Online), “Monks reveal concerns about Chinese allegations on weapons caches, views on Olympics,” 16 April 08. Referring to Tibetan protest areas generally: “[A]uthorities have confiscated cellphones and computers, turned off cellular transmission facilities or cut landlines, and interfered with internet access, according to various reports received by ICT.” “2,000 Tibetans Defy Sichuan Crackdown as China Admits Shooting,” Radio Free Asia (Online), 20 March 08. Referring to Lhasa: “Another man said many people had been arrested but it was hard to know exactly who, because the authorities had cut off the mobile phone network.” “Police Seize Weapons, Ammunition in Southwestern China Monastery,” Xinhua (Online), 30 March 08. Referring to objects, including weapons, seized at Kirti Monastery in Aba county: “. . . communication facilities including satellite phones, receivers for overseas TV channels, fax machines and computers were confiscated.”

<sup>188</sup> Tibetan Centre for Human Rights and Democracy, “12 Monks of Dingri Shelkar Choedhe Monastery Arrested for Opposing the ‘Patriotic Re-education’ Campaign.” “[T]he monks were even known to have been threaten[ed] with dire consequences if found ‘leaking’ the information to the outside world.” “Update on Tibet, May 31, 2008,” Tibetan Government-in-Exile (Online), 31 May 08. Referring to Ramoche Monastery in Lhasa: “[A]ll three monks . . . were again arrested by the concerned local Chinese officials on 26 May for keeping in contact with outsiders through phone calls. They are suspected of sharing information with the outside world.” Tibetan Centre for Human Rights and Democracy (Online), “A Former Chief of Rong Gonchen Monastery in Critical Condition,” 18 April 08. Referring to Rongbo Gonchen Monastery in Tongren county: “The Chinese authorities have issued terse warning to the monks about leaking the information to the outside world following the severe crackdown by the Chinese authorities.”

<sup>189</sup> “Tibet To Reopen to Tourists on May 1,” Xinhua, reprinted in China Daily (Online), 3 April 08.

<sup>190</sup> Ministry of Foreign Affairs, “Transcript of Regular News Conference by PRC Foreign Ministry on 12 June 2008. Moderated by Spokesman Qin Gang,” 12 June 08 (Open Source Center, 12 June 08). After MFA Spokesman Qin Gang stated that the Chinese government is “not to blame” for the closure of Tibetan areas to journalists following the “3.14” serious violent criminal incidents,” a journalist asked, “Who is to blame, then?” Qin replied, “Do you really have no idea? Of course, it is the Dalai clique.”

<sup>191</sup> “Full Transcript of Interview with the Dalai Lama,” Financial Times (Online), 25 May 08. “Then stop, inside Tibet, arresting and torture. This must stop. And then they should bring proper medical facilities. And most important, international media should be allowed there, should go there, and look, investigate, so the picture becomes clear.”

<sup>192</sup> PRC Criminal Law, enacted 1 July 79, amended 14 March 97, 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, art. 103 (“organize, plot or carry out the scheme of splitting the State or undermining unity of the country”; “incites others to split the State or undermine unity of the country”).

<sup>193</sup> Dui Hua Foundation (Online), “Sentence Reductions for Political Prisoners More Than Previously Thought,” 17 June 08.

<sup>194</sup> Ibid.

<sup>195</sup> CECC, 2005 Annual Report, 11 October 05, 112. Jigme Gyatso was sentenced in 1996 to 15 years’ imprisonment for counterrevolution. Chinese officials told a UN Working Group on Arbitrary Detention (UNWGAD) delegation in September 2004 that he was guilty of “planning to found an illegal organization and seeking to divide the country and damage its unity.” Another UNWGAD opinion on the case found that “there is nothing to indicate that the ‘illegal organization’ . . . ever advocated violence, war, national, racial, or religious hatred, and that Jigme Gyatso was “merely exercising the right to freedom of peaceful assembly with others in order to express opinions.”

<sup>196</sup> Ibid., 111–112. Choeying Khedrub, a monk of Tsanden Monastery in the TAR, was sentenced in 2000 to life imprisonment for his role in a group of men who allegedly printed pro-independence leaflets. According to information that the Chinese government provided to the United Nations Working Group on Arbitrary Detention (UNWGAD), he was found guilty of endangering state security and “supporting splittist activities of the Dalai clique.” The UNWGAD reports that the Chinese response “mentions no evidence in support of the charges, or if they used violence in their activities,” and finds that the government “appears” to have misused the charge of endangering state security.

<sup>197</sup> CECC, 2007 Annual Report, 10 October 07, 210. Bangri Chogtrul (Jigme Tenzin Nyima), who lived as a householder in Lhasa and managed a children’s home along with his wife, was convicted of inciting splittism and sentenced to life imprisonment in a closed court in Lhasa in

September 2000. "Lhasa Court Commutes Life Sentence for Children's Home Director to 19 Years," CECC China Human Rights and Rule of Law Update, April 2006, 16. The sentencing document lists evidence against Bangri Chogtrul that includes meeting the Dalai Lama, accepting a donation for the home from a foundation in India, and a business relationship with a Tibetan contractor who lowered a Chinese flag in Lhasa in 1999 and tried to blow himself up. Jigme Tenzin Nyima acknowledged meeting the Dalai Lama, accepting the contribution, and knowing the contractor, but he denied the charges against him and rejected the court's portrayal of events.

<sup>198</sup> Measures for Dealing Strictly With Rebellious Monasteries and Individual Monks and Nuns [hereinafter Ganzi Measures], Order from the People's Government of Ganzi Tibetan Autonomous Prefecture, No. 2, issued 28 June 08, translated from Tibetan language in International Campaign for Tibet (Online), "New Measures Reveal Government Plan To Purge Monasteries and Restrict Buddhist Practice," 30 July 08.

<sup>199</sup> The Commission does not have relevant information about Sichuan province or Ganzi TAP regulations. See, however, Tibet Autonomous Region Implementing Measures for the "Regulation on Religious Affairs" [hereinafter TAR 2006 Measures], issued by the Standing Committee of the Tibet Autonomous Region People's Government on September 19, 2006, art. 16. "To rebuild, expand, or repair venues for religious activities, a petition for examination and approval is made to the prefectural (city) administrative office (people's government) religious affairs department in the locality, after obtaining the consent of the county-level people's government religious affairs department in the locality. . . ."

<sup>200</sup> Monks or nuns who administer a monastery or nunnery form the Democratic Management Committee (DMC). DMC members must implement Party policies on religion and ensure that monks and nuns obey government regulations on religious practice.

<sup>201</sup> The Commission does not have relevant information about Sichuan province or Ganzi TAP regulations. See, however, Tibet Autonomous Region Implementing Measures for the "Regulation on Religious Affairs" [hereinafter TAR 2006 Measures], issued by the Standing Committee of the Tibet Autonomous Region People's Government on September 19, 2006, arts. 19, 29. Article 19 stipulates: "Venues for religious activities recruit religious personnel, and handle procedures for their confirmation and for placing [the matter] on record on the basis of [the venues'] ability for self-cultivation, management ability, and the economic capacity of their religious adherents, as well as on the basis of the relevant provisions of the state and autonomous region." Article 29 states that "religious personnel" may not "engage in professional religious activities" until their status as a religious professional is confirmed by a "religious organization" (a state-controlled Buddhist association) and reported for the record to the religious affairs bureau of a local government at county-level or above. (Based on Commission staff analysis, a monastery or nunnery is unlikely to succeed in increasing the number of resident monks or nuns unless the local government endorses the increase.)

<sup>202</sup> Regulation on Religious Affairs (RRA) [Zongjiao shiwu tiaoli], issued 30 November 04, translated on the Web site of China Elections and Governance, art. 13. Government officials at the county, prefectural, and provincial levels are involved in the approval process for establishing a "site for religious activity."

<sup>203</sup> State Administration for Religious Affairs, Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Zangchuan fojiao huofo zhuanshi guanli banfa], issued 13 July 07, arts. 3–5.

